

HOUSE OF REPRESENTATIVES

MONDAY, April 2, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Again, O God, we take Thy holy name upon our lips; again we thank Thee for the riches of Thy mercy and again we look up for the helpful consciousness of Thy presence. Our prayer is that we may not only be industrious, but that we may love industry; not only do the right things, but may enjoy the right things; not only pure, but that we may love purity. By the cords of infinite love bridge the pathless distance that stretches between Thee and Thy children. We praise Thee for all that Thou hast made. Oh, how wonderful for us to take some work of Thy creation and make it a little better and worthier; to make some human life wiser and happier. Oh, there is no other greatness. We thank Thee that Thou hast called us to be collaborators with Thee. If any have suffered the wrongs of injustice, let there be some forgotten place, where no paths lead, and there in silence may all be buried; flood their hearts with peace, and evermore help them to hold their course to Thee. Amen.

The Journal of the proceedings of Saturday last was read and approved.

JOINT RESOLUTIONS AND BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that on March 31, 1928, they presented to the President of the United States, for his approval, joint resolutions and a bill of the following titles:

H. J. Res. 217. House joint resolution providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries;

H. J. Res. 253. House joint resolution authorizing certain customs officials to administer oaths; and

H. R. 9831. An act authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.

DESIGNATION OF SPEAKER PRO TEMPORE FOR TO-MORROW

The SPEAKER. The Chair designates the gentleman from Connecticut [Mr. TILSON] to preside as Speaker pro tempore to-morrow.

WASHINGTON GARDNER

Mr. HOOPER. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. HOOPER. Mr. Speaker and gentlemen, on Saturday, March 31, 1928, the Hon. Washington Gardner, for 12 years a Representative from the third district of Michigan, died at his home in Albion, Mich. Mr. Gardner was born February 16, 1845, on a farm in Morrow County, Ohio, but for the greater part of his life lived in Michigan and for 39 years in the city of Albion.

He was a soldier in the Union Army. He took part in the Battles of Corinth, Stone River, Shiloh, Chickamauga, Chattanooga, Mission Ridge, and Resaca, and was severely wounded in the latter engagement.

He studied theology and later studied law, was admitted to the bar in 1876, and practiced for a time in Grand Rapids.

He was appointed by Governor Rich as secretary of state of Michigan to fill a vacancy, and was afterwards elected for two terms to that office.

In 1898 he was elected to Congress, and for 12 years he faithfully and ably represented our district in this Hall. In the second term to which he was elected he became a member of the Appropriations Committee and served in that capacity during the rest of his term.

He left the House in 1910, but great honors were still in store for him. He became the national commander of the Grand Army of the Republic, and later, in 1921, was appointed by President Harding to the office of Commissioner of Pensions, which office he filled until he was incapacitated by a serious accident.

Mr. Gardner was one of the finest, strongest, and ablest men whom it was ever my privilege to know. He was a splendid orator; he had a fine figure and presence; but beyond that and beyond all he was a patriot to his very core.

I know personally that one of the finest things in his life was to witness during his service in Congress the growing spirit of friendship and reconciliation between the North and the South.

His service as a soldier did not lessen, but rather intensified his love for the whole Nation.

While here he was a friend and confidant of Presidents McKinley, Roosevelt, and Taft. When he returned to private life he went back to his home city of Albion rich in the splendid recollections of public service nobly performed. He died there having the love, confidence, respect, esteem, and admiration of all who knew him.

During his later years he was totally blind, but he bore that great affliction with the same cheerfulness and with the same courage with which he had been battling for his country in the days of its adversity.

The example of Washington Gardner will be a beacon for young men in the community in which he lived for many a year to come. His services to his Nation will not be soon forgotten.

So when a good man dies for years beyond our ken,
The light he leaves behind him lies upon the souls of men.

[Applause.]

LEAVE TO ADDRESS THE HOUSE

Mr. MCCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, this is the day for the Consent Calendar, and many Members are here to get their bills through.

Mr. TILSON. Can not the gentleman wait until to-morrow?

Mr. MCCLINTIC. I would like to speak this morning to answer an attack made on the Naval Committee, which I think ought to be replied to.

Mr. TILSON. The trouble with that is that it may give rise to controversy. Somebody else may wish to answer it. This is consent day, and many bills that are not passed on this day can not be passed at all. I dislike to refuse the gentleman, but I wish he would wait until to-morrow. I shall try to see that he has such time as he needs. To-day is a special day and should be used for the special purpose only.

Mr. MCCLINTIC. I have always yielded to the suggestions of my good friend from Connecticut.

Mr. TILSON. If the gentleman will renew his request to-morrow, I shall make no objection.

Mr. MCCLINTIC. Very well.

THE JUDICIAL CODE

Mr. DYER. Mr. Speaker, I present a conference report on the bill (H. R. 8725) to amend section 224 of the Judicial Code, for printing under the rules.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the Consent Calendar.

BRIDGE ON HOOPA VALLEY RESERVATION, CALIF.

The first business on the Consent Calendar was the bill (H. R. 441) to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is any provision made for the United States Government obtaining a return of the amount of money that it contributes for a construction of a bridge?

Mr. LEA. There is not, so far as this bridge is concerned.

Mr. LAGUARDIA. I see that the bridge may be amortized and then converted into a free bridge. If it is going to be amortized and the State gets a return of its contribution—

Mr. CRAMTON. This is not a toll bridge.

Mr. LEA. I do not understand that there is any provision with reference to amortization.

Mr. CRAMTON. If the gentleman will yield, this is not to be a toll bridge.

Mr. LEA. No; this is to be a free bridge.

Mr. CRAMTON. It is to be a free bridge from the beginning.

Mr. LAGUARDIA. Will the gentleman object to inserting the word "free" in line 5 on page 1?

Mr. LEA. None whatever.

Mr. LAGUARDIA. With that understanding, I shall withdraw my reservation of objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That an appropriation of \$35,000 is hereby authorized out of any money in the Treasury not otherwise appropriated, to pay half the cost of the construction of a bridge and approaches thereto across the Trinity River within the Hoopa Valley

Indian Reservation, Calif., and for the construction of a road leading over said bridge from the Weitchpec Road on the north to the public highway at the south line of said reservation, including the cost of surveys, plans, estimates, and specifications, and other necessary expenses connected therewith, on condition that the State of California or the county of Humboldt furnish an equal sum; and under rules and regulations prescribed by the Secretary of the Interior, who shall also approve the plans and specifications therefor: *Provided*, That before any money is spent hereunder, said State or county shall agree, in writing, to maintain the bridge and road without expense to the United States or the Indians.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 5, after the article "a," insert the word "free."

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer two or three amendments, which I send to the desk.

The Clerk read as follows:

Amendments offered by Mr. CRAMTON: Page 1, line 3, after the word "of," where it occurs the first time, insert the words "not more than"; in line 5, after the word "pay," insert the words "not more than"; in line 7, strike out the words "for the construction"; and on page 2, in line 2, after the word "furnish," strike out the words "an equal sum" and insert in lieu thereof the words "the balance."

The amendments were agreed to, and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a statement by the gentleman from California [Mr. LEA] as to the contributions by the State and county in respect to bridges on this reservation. It is because of these liberal contributions that I have withdrawn my objection to the bill.

The SPEAKER. Without objection, it is so ordered.

The matter referred to is as follows:

IN RE H. R. 441

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., March 29, 1928.

HON. LOUIS C. CRAMTON,

House of Representatives.

DEAR MR. CRAMTON: I have personally been over the roads on Hoopa Reservation, which I have visited a number of times.

The proposed bill calls for an equal division of the costs. The object of the bridge is to connect the east and west sides of the river on the reservation. The object of the money to be used on the road is principally to connect with the new road at the south line of the reservation. The hospital, school, and general headquarters of the reservation are on the west side. Over half the population, including the school children, are on the east side.

The proposed road and bridge is not a part of the State highway system of roads in California. The State highway runs east and west through the State about 8 miles south of the reservation.

The county has spent money on Hoopa Reservation roads:

Klamath Bridge, Hoopa-Weitchpec	\$28,500
Assistance on Hoopa-Weitchpec road	6,000
Trinity River Bridge	10,000

On reservation \$44,500

The county also helped build the road on the reservation leading to Hoopa from the southwest, but I do not know at what expense.

Roads to the reservation line:

Willow Creek to reservation	\$50,000
Redwood Creek to reservation	20,000
Bridge over Redwood Creek	4,400

Total 74,400

Grand total 118,900

The Klamath Indian Reservation connects with Hoopa on the north and runs down the Klamath River a mile on each side. The State has recently built a bridge on that reservation on the State highway costing probably a million dollars without thought of requesting a contribution. The county built the only road running from the coast to the north line of the reservation, about 40 miles, including a bridge across Klamath River at Martin's Ferry on the Klamath Reservation without any contribution by the Government.

The expense of the State highway from the coast, which is the first thick white settlement running within 8 miles to the south of the reservation, will cost \$800,000 or more. That road is, of course, for the benefit of the whites, but it affords the best way out for these

Indians. The county spent \$50,000 to reach the reservation from the highway. This bill proposes to divide the expense of connecting up on the reservation.

The construction of this bridge will save the agency from operating a ferry in wintertime and from constructing a temporary bridge each summer.

Sincerely yours,

CLARENCE F. LEA.

UNIFORM RETIREMENT DATE

The next business on the Consent Calendar was the bill (H. R. 10288) to provide for a uniform retirement date for authorized retirements of Federal personnel.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter retirement authorized by law of Federal personnel of whatever class—civil, military, naval, judicial, legislative, or otherwise—and for whatever cause retired, shall take effect on the first day of the month following the month in which said retirement would otherwise be effective, and said first day of the month for retirements hereafter made shall be for all purposes in lieu of such date for retirement as may now be authorized.

SEC. 2. This act shall become effective July 1, 1928. All laws or parts of laws, in so far as in conflict herewith, are repealed.

Mr. WILLIAMSON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: Page 1, line 10, strike out the period and insert in lieu thereof a semicolon and the following: "except that the rate of active or retired pay or allowances shall be computed as of the date retirement would have occurred if this act had not been enacted."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RETURNS OFFICE OF THE INTERIOR DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 9570) to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the returns office, together with its activities, personnel, contract, bids, offers, proposals, advertisements, books, records, documents, furniture, office equipment, and papers and property of whatsoever character, is hereby transferred from the Interior Department to the General Accounting Office; and all powers and duties whatsoever in connection therewith now vested in or required to be performed by or under the Secretary of the Interior are transferred to, vested in, and required to be performed by or under the Comptroller General of the United States.

SEC. 2. That so much of appropriations for the Interior Department as applies to expenditures for the returns office, including personnel therefor, is transferred to and made applicable for expenditure by the General Accounting Office.

SEC. 3. That the Comptroller General of the United States is authorized to perform all acts and make such rules and regulations as necessary to carry the provisions of this act into effect.

SEC. 4. That all laws and parts of laws in so far as inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect July 1, 1928.

With the following committee amendment:

Page 1, line 4, strike out the word "contract" and insert in lieu thereof the words "contracts."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

SALARY OF THE PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER

The next business on the Consent Calendar was the bill (H. R. 6669) fixing the salary of the Public Printer and the Deputy Public Printer.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Reserving the right to object, Mr. Speaker, I ask the gentleman in charge of this bill whether this is taking out of the classification these two particular positions and fixing their salaries?

Mr. KIESS. I will state to the gentleman that the salaries of the Public Printer and the Deputy Public Printer can be fixed by Congress. They were originally fixed that way. We have taken care of the salaries of all the other employees of the Government Printing Office.

Mr. UNDERHILL. That is the reason why they are not included in the classification?

Mr. KIESS. Yes. They are not in the classified service. We have taken care of the salaries of all the other employees in the Government Printing Office. Usually the men at the top have had their salaries raised. In this case it is the reverse.

Mr. TAYLOR of Colorado. Let me say to the gentleman in behalf of the legislative subcommittee of the Committee on Appropriations that I think I represent the sentiment of the entire committee when I say that the committee favors it. We think it ought to pass.

Mr. DYER. How much does the Public Printer now get?

Mr. KIESS. Seven thousand five hundred dollars. This is to increase it to \$10,000. We recently raised the salary of the Librarian of Congress from \$7,500 to \$10,000.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the salary of the Public Printer shall be \$10,000 per annum and the salary of the Deputy Public Printer shall be \$7,500 per annum.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

COINAGE OF LINDBERGH MEDALS

The next business on the Consent Calendar was the bill (H. R. 11078) to provide for the coinage of medals in commemoration of the achievements of Col. Charles A. Lindbergh, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this bill be stricken from the calendar.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, what is the matter with this bill?

Mr. LAGUARDIA. I think for the present it ought to be stricken from the calendar. That action will meet the approval of every one concerned.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be stricken from the calendar. Is there objection?

There was no objection.

ADDITIONAL PAY FOR SUBMARINE AND DIVING DUTY

The next business on the Consent Calendar was the bill (H. R. 9289) to provide additional pay for personnel of the United States Navy assigned to duty on submarine vessels and diving duty.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I suggested an amendment to the gentleman from Massachusetts [Mr. ANDREW] last week, the last time the Consent Calendar was before the House. In the meantime, I have communicated with the Navy Department, and I have received a statement from the department showing wherein we can increase these salaries for submarine service:

NAVY DEPARTMENT,
BUREAU OF NAVIGATION,
Washington, D. C., March 31, 1928.

Hon. F. H. LAGUARDIA,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LAGUARDIA: I have received your letter of March 30, 1928, relative to H. R. 9289, a bill to provide additional pay for personnel assigned to duty on submarines.

You have asked me for a statement showing the extra compensation that will be paid in the event this bill becomes a law. Should this bill become a law, it would be the purpose of the department to pay all men assigned to duty aboard submarines in active operating service extra pay to compensate for the arduous service involved and certain additional extra pay to such of those men who qualify for submarine operation, giving a preference to the more arduous and difficult duty on those submarines which cruise with the fleet.

The following is the tentative schedule before the bureau: \$25 to \$30 per month to qualified men on submarines cruising with the fleet; \$15 per month to unqualified men on the same vessels; \$20 to \$25 per month to qualified men on submarines of the local defense forces; \$10 per month to unqualified men on the same vessels.

It may be advisable to alter in some respects the above schedule after experience is had, probably by differentiating between qualified submarine of the higher ratings, of longer service in submarines, who occupy the more responsible positions, and those of lower ratings, comparatively new to the service, who are assigned to less responsible posts.

Trusting that this information is what you desire, I am,

Very truly yours,

R. H. LEIGH.

The statement seems to be satisfactory, and the proposal is deserving of a trial. If the plan does well we can extend it at the next session. If we pass the Senate bill to-day it will close the matter and these men can get the increased pay right away. If we pass the House bill it will cause delay if we make even the slightest change.

Mr. ANDREW. Mr. Speaker, I ask unanimous consent that we take up the bill S. 3131, which is the same except as to a very slight difference.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to consider the bill S. 3131 in lieu of the House bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 3131) to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty

Be it enacted, etc., That hereafter all officers of the Navy on duty on board a submarine of the Navy shall, while so serving, receive 25 per cent additional of the pay for their rank and service as now provided by law; and an enlisted man of the United States Navy assigned to duty aboard a submarine of the Navy, or to the duty of diving, shall, in lieu of the additional pay now authorized, receive pay, under such regulations as may be prescribed by the Secretary of the Navy, at the rate of not less than \$5 per month, and not exceeding \$30 per month, in addition to the pay and allowances of his rating and service: *Provided*, That divers employed in actual salvage operations in depths over 90 feet shall, in addition to the foregoing, receive the sum of \$5 per hour for each hour or fraction thereof so employed.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The similar House bill was laid on the table.

MEMORIAL TO SACAJAWEA, OR BIRD WOMAN

The next business on the Consent Calendar was the resolution (H. J. Res. 75) authorizing the erection of a monument to the memory of Sacajawea, or Bird Woman.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, the resolution provides for a monument on the grave of this woman, and, as I understand, there is a great deal of doubt and controversy as to what State the grave is located in. Unless those on the committee can give some pretty definite assurance that they have located the grave, I think it ought not to pass at present. I object.

The SPEAKER. Objection is heard.

PUEBLO INDIANS OF NEW MEXICO

The next business on the Consent Calendar was the bill (H. R. 9483) to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the statutes of the United States governing the acquisition of rights of way through Indian lands, to wit, the Code of Laws of the United States of America, in force December 6, 1926, title 25, Indians, sections 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, and 321, be, and they are hereby, extended over and

made applicable to the Pueblo Indians of New Mexico and their lands: *Provided, however*, That no right of way for a railroad or public highway shall be granted any portion of which lies less than 500 yards from the plaza of any existing pueblo.

SEC. 2. That the provisions hereof shall not affect the act approved May 10, 1926 (44 Stat. L. 498).

With the following committee amendments:

Page 1, in line 7, strike out "316."

In line 8, strike out "320," and after the figures "321" insert:

"And title 43, public lands, section 935, and the basic acts of Congress cited in such sections."

On page 2, line 3, strike out "railroad or."

In line 5, strike out "any existing pueblo" and insert in lieu thereof "Santo Domingo pueblo, in the State of New Mexico."

Strike out all of section 2.

The committee amendments were agreed to.

Mr. LEAVITT. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: On page 2, line 2, after the word "lands," strike out the remainder of the bill and insert in lieu thereof the following: "under such rules, regulations, and conditions as the Secretary of the Interior may prescribe."

Mr. CRAMTON. Mr. Speaker, I have consulted with the department as well as with the gentleman from Montana, and I am advised by them that the amendment presented is broad enough to give the Secretary authority to disapprove of a certain location for a road if he so desires, and with that construction of it I have withdrawn any objection I may have to the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALABAMA AND COUSHATTA INDIANS IN POLK COUNTY, TEX.

The next business on the Consent Calendar was the bill (H. R. 5479) to provide for the purchase of land, livestock, and agricultural equipment for the Alabama and Coushatta Indians in Polk County, Tex., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have a copy of the unfavorable report of the department upon this bill and I ask unanimous consent to insert it as a part of my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The report referred to follows:

SECRETARY OF THE INTERIOR,
Washington, February 13, 1928.

Hon. SCOTT LEAVITT,

Chairman Committee on Indian Affairs,

House of Representatives.

MY DEAR MR. LEAVITT: This will refer further to your letter of January 12, transmitting for report and recommendation copy of H. R. 5479, proposing to authorize an appropriation of \$125,000 for the purchase of land, livestock, and agricultural equipment for the Alabama and Coushatta Indians in Polk County, Tex.

These Indians, who were originally located in Alabama, went from there to Louisiana, and in 1815 or 1816 on to Texas, settling near what is known as Old Peach Tree Village, close to the line of Polk and Tyler Counties. In 1836 they moved back to Louisiana, remained there about two years, when they returned to Texas and located in Tyler County on Horsepen Creek, in what is known as Fenced In Village, where they remained until 1854, when the State of Texas gave them 1,280 acres of land on Big Sandy Creek in Polk County, free of taxation, and with inability to sell.

Former Special Agent Loker, who investigated conditions among the Indians in 1910 under the act of April 4 of that year (36 Stat. L. 274), found that they do not pretend to have a claim of any sort against the Government, but that their needs were for additional land and a manual-training school. The special agent's report was submitted to Congress on December 23, 1910, and is printed in House Document No. 1232, Sixty-first Congress, third session.

Several years ago Congress made an appropriation for the erection of a schoolhouse for the children of this band, and now annually appropriates a small sum for the payment of tuition to the local authorities who operate the school as a part of the regular public-school system. Bills were introduced in the Sixty-sixth Congress proposing

to appropriate \$100,000 for the purchase of land and \$125,000 for land and industrial purposes, both of which, however, failed of passage.

These Indians have never been regarded as Federal wards, as the United States never made a treaty with them, and they do not live on a Federal reservation or have any property held in trust. Should an appropriation be made, it would be merely an act of grace, which this department hesitates to sponsor.

I am unable to recommend the favorable consideration of the bill.

The Director of the Bureau of the Budget advises that the proposed legislation is in conflict with the President's financial program.

Very truly yours,

HUBERT WORK.

Mr. CRAMTON. Mr. Speaker, believing that the State should make more of a showing of performing its responsibility with reference to these Indians, I shall be obliged to object. They are not Indians for whom this Government has the same responsibility as it has with respect to other Indians in the West. They went into Texas before Texas came into this Union. The State of Texas retained all of its public lands, and these Indians are citizens of Texas, for whom the State of Texas appears to have been doing very little, if anything. We are even making a contribution toward the maintenance of the schools carried on for their benefit. For the present I shall have to object.

Mr. BRIGGS. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BRIGGS. I would like to say that for several years past the Government of the United States has been recognizing an obligation to these Indians.

Mr. CRAMTON. I will say to the gentleman that we have never recognized an obligation, for we expressly stated that it is a gratuity, a matter of grace, and a matter of generosity, but there has been no obligation admitted.

Mr. BRIGGS. I am speaking about the general moral obligation. The Supreme Court of the United States has recognized that the United States is under obligation to all Indians, and no one in the House knows better than the gentleman from Michigan that the bulk of the appropriations made by Congress are gratuity appropriations. I will say this, too: That the Indians here represented have just as much right to relief from the Federal Government as any other Indians, and the obligation imposed upon it is just as clear as it is in the case of other Indians that are being maintained to-day, like the Mississippi Choctaws, the Seminoles in Florida, the homeless bands in California, and other Indians.

Mr. CRAMTON. So far as I am concerned, if the gentleman from Texas could secure some information as to what, if anything, the State of Texas is doing or proposes to do for these Indians, or if there is any possibility of some cooperation, I would be very glad to go into that with the gentleman.

Mr. BRIGGS. I want to say to the gentleman that the State is carrying on some educational work and, I understand, contemplates even further educational work for these Indians. This measure is only providing, as amended by the Committee on Indian Affairs, that the Alabama Indians in Texas be given, not what was in the original bill, an unqualified appropriation for some land and agricultural livestock and equipment, but only a loan under a reimbursable proposition to enable these Indians to get some land and make themselves self-supporting with some livestock and equipment. The Committee on Indian Affairs, after a very full hearing, has, after amending the bill, reported it favorably and recognized the Government's obligation to these Indians.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

DISPOSAL OF PLANT INTRODUCTION GARDEN, HERNANDO COUNTY, FLA.

The next business on the Consent Calendar was House joint resolution (H. J. Res. 26) authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant introduction purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, if we are going to sell this property now it is to be hoped the Department of Agriculture will not come in within a few days and ask for the purchase of property somewhere else in this same neighborhood for some other purpose. This is what has happened very often, and I simply want to serve notice that if this property is sold, as it should be sold if there is no further use for it by the Department of Agriculture, they should not come in here within a

short time and ask for authority to purchase other land in the same vicinity.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of Agriculture be, and he hereby is, authorized to sell or cause to be sold at public or private sale at such price or prices, on such terms, and in such manner as he may deem for the best interests of the Government, the tract or parcel of land situated in Hernando County, Fla., ordinarily referred to as the Brooksville Plant Introduction Garden, and more particularly described as follows: The south half of the southwest quarter of the southwest quarter of section 30, township 22 south, of range 20 east, containing 20 acres, more or less, and the entire portion of the north half of the southwest quarter of the southwest quarter of section 30, township 22 south, of range 20, which lies south of and adjacent to the county road, running through said section and township, consisting of 15 acres, more or less, in the county of Hernando, State of Florida, together with the buildings and improvements thereon, which said tract or parcel of land, with the buildings and improvements aforesaid, is no longer needed for plant-introduction purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate and complete such sale.

SEC. 2. That the net proceeds from the sale of the aforesaid property be deposited in the Treasury of the United States.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ENTRIES WITHIN RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 475) to amend certain laws relating to the submission of proof on entries within reclamation projects.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object—I shall not object—but I think I should give notice that I intend to offer an amendment to protect the Government's lien, an amendment that is satisfactory to the gentleman from Wyoming [Mr. WINTER].

Mr. LA GUARDIA. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LA GUARDIA. I want to submit a suggestion to the gentleman, and I will abide by his judgment in the matter. On page 3, line 18, after the word "may," should there not be inserted "one year's notice to entrymen"? Should there not be something done to protect the entryman? How does he know when the State is going to move on him to collect taxes if he has not completed his entry?

Mr. WINTER. What is the language the gentleman is suggesting?

Mr. LA GUARDIA. On page 3, line 18, insert "after one year's notice to entrymen." What I fear is that the State may start to tax this property without the knowledge of the entryman and thereby establish another lien on his property.

Mr. WINTER. I do not share the gentleman's apprehension in that regard, but I have no particular objection to a provision for notice being inserted there.

Mr. LA GUARDIA. I admit I am hazy about it. If the gentleman is sure these entrymen will be protected, that they will have due and timely notice that their land is subject to State taxation, that covers my objection to the bill.

Mr. WINTER. In my judgment they would have sufficient notice, and no hardship could be worked even though the amendment which the gentleman suggests is not in the bill.

Mr. LA GUARDIA. I shall not press the amendment if the gentleman is sure about it.

Mr. WINTER. If any of the members of our committee are here who have any other idea about the matter, I would be glad to hear from them.

Mr. LEAVITT. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. LEAVITT. My idea is the same as that of the gentleman from Wyoming [Mr. WINTER]. They are absolutely protected, and the permanent settlers on the project generally desire this legislation in order to have funds for the local development of schools and roads.

Mr. EDWARDS. Mr. Speaker, reserving the right to object, what is the nature of the amendment the gentleman from Michigan is offering?

Mr. CRAMTON. Mr. Speaker, when this bill came up before I raised the question as to whether, when Congress expressly

consented to the taxation of property which has not yet been patented we might thereby be held to have waived our prior lien for the charges for improving the water right. I have an amendment drawn by the Reclamation Service which Mr. Dent, the acting commissioner, suggests may not be necessary, but he thinks it is better to put it in to make sure that we retain a prior lien so that our claim will be prior to the lien for taxes. Mr. Dent's letter is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington.

Memorandum for Congressman WINTER.

Pursuant to telephone conversation with you some days ago in regard to H. R. 475, providing for taxation of unpatented entries on reclamation projects, I have endeavored several times to get into communication with Mr. CRAMTON over the telephone but have been unable to do so. I am advised by his office that he has been absent, I believe on account of sickness. For this reason I have been unable to discuss with him H. R. 475.

I inclose copy of section 3, which was originally drafted as a part of the amendment suggested by the department to your bill. The general view at that time seemed to be that this section was unnecessary in order to reserve the Government's prior lien. For this reason the provision was eliminated as being surplusage. Personally I rather feel that it might be well for this provision to be inserted to repel possible attack. If it affirmatively appears upon the bill that a prior lien is reserved it is less likely that the point would be questioned. It seems to me that it certainly could do no harm, even though it is mere surplusage.

P. W. DENT, Acting Commissioner.

Mr. EDWARDS. The amendment, then, is really to protect the interests of the Government?

Mr. CRAMTON. It is to protect the Federal Government's interests.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act providing for patents on reclamation entries, and for other purposes," approved August 9, 1912, as amended, is amended to read as follows:

"That any homestead entryman under the reclamation act approved June 17, 1902, as amended, including entrymen on ceded Indian lands, shall, within five years from the date of his entry (or within six months after the date of passage of this amendatory act, if his entry was made more than four years and six months prior to such date), submit proof that he has complied with the provisions of law applicable to such lands as to residence, reclamation, and cultivation. Such proof, if found regular and satisfactory, shall entitle the entryman to a patent, and all purchases of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which the certificate applies to the extent required by the reclamation act for homestead entrymen, except that no such patent or final water-right certificate shall issue until after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead entryman to such patent or the purchaser to such final water-right certificate."

SEC. 2. The second paragraph under the caption "Reclamation Service" in the deficiency appropriation act approved August 26, 1912, is amended to read as follows:

"That any desert-land entryman whose desert-land entry has been embraced within the exterior limits of any land withdrawal or irrigation project under the reclamation act approved June 17, 1902, as amended, and who may have obtained a water supply for the land embraced in any such desert-land entry from the reclamation project by the purchase of a water-right certificate, shall, within five years from the date of his entry (or within six months after the date of passage of this amendatory act, if his entry was made more than four years and six months prior to such date), submit proof that he has complied with the provisions of law applicable to such lands and that he has cultivated and reclaimed the land to the extent required by such act of June 17, 1902, as amended, for homestead entrymen. Such proof, if found regular and satisfactory, shall entitle the entryman to a patent and a final water-right certificate under the same terms and conditions as required of homestead entrymen under the act entitled 'An act providing for patents on reclamation entries, and for other purposes,' approved August 9, 1912, as amended."

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the lands of any homestead entryman under the act of June 17, 1902, known as the reclamation act, or any act amendatory thereof or supplementary thereto, may, after satisfactory proof of residence, im-

provement, and cultivation, and acceptance of such proof by the General Land Office, be taxed by the State or political subdivision thereof in which such lands are located, in the same manner and to the same extent as lands of a like character held under private ownership may be taxed.

"SEC. 2. That the lands of any desert-land entryman located within an irrigation project constructed under the reclamation act and obtaining a water supply from such project and for whose land water has been actually available for a period of four years, may likewise be taxed by the State or political subdivision thereof in which such lands are located."

Mr. CRAMTON. Mr. Speaker, I offer an amendment to the committee amendment.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the committee amendment: Insert after section 2 a new section, to read as follows:

"SEC. 3. That all such taxes legally assessed shall be a lien upon the lands and may be enforced upon said lands by the sale thereof in the same manner and under the same proceeding whereby said taxes are enforced against lands held under private ownership: *Provided*, That the title or interest which the State or political subdivision thereof may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to a prior lien reserved to the United States for all the unpaid charges authorized by the said act of June 17, 1902, whether accrued or otherwise, but the holder of such tax deed or tax title resulting from such tax shall be entitled to all the rights and privileges in the land of an assignee under the provisions of the act of June 23, 1910, Thirty-sixth Statutes, page 592."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

LASSEN VOLCANIC NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 11685) to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. The last time the Consent Calendar was up I asked to have this go over on account of a question of jurisdiction. Since that time the Speaker has made a ruling that leaves no doubt about it, and I withdraw the objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act of the Legislature of the State of California (approved April 20, 1927) ceding to the United States exclusive jurisdiction over and within the territory which is now or may hereafter be included within the Lassen Volcanic National Park are hereby accepted, and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the State of California the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park, and the right to fix and collect license fees for fishing in said park; and saving also to the persons residing in said park now, or hereafter, the right to vote at all elections held within the county or counties in which said park is situated. All the laws applicable to places under sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of California.

SEC. 2. That said park shall constitute a part of the United States judicial district for the northern district of California, and the district court of the United States in and for said northern district shall have jurisdiction of all offenses committed within the boundaries of the said park.

SEC. 3. That if any offense shall be committed in the said park, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of California in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of California shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting

personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of any of the waters of the said park, in any other way than by hook and line, and then only at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the passage of the act creating and establishing said park, natural curiosities, or wonderful objects within said park, and for the protection of the animals in the park from capture or destruction, and to prevent their being frightened or driven from the said park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said park. Possession within said park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this act, or any rule or regulation that may be promulgated by the Secretary of the Interior, with reference to the management and care of the said park, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to the passage of the act creating and establishing said park, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the said park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the act creating and establishing said park, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said park when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals, shall be forfeited to the United States and may be seized by the officers in said park, and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That the United States District Court for the Northern District of California shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law, or of the rules and regulations made by the Secretary of the Interior for the government of said park and for the protection of the animals, birds, and fish and objects of interest therein, and for other purposes authorized by this act. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park, and for the protection of the animals, birds, and fish in said park, and to try persons so charged, and if found guilty to impose punishment and to adjudge the forfeiture prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the Northern District of California and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeals to said United States district court.

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said park of any criminal offense not covered by the provisions of section 4 of this act, to hear the evidence introduced, and if he is of the opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Northern District of California and certify a transcript of the record of his proceedings and the testimony in such case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the northern district of Cali-

fornia, but nothing herein contained shall be so construed as to prevent the arrest by any officer of employee of the Government or any person employed by the United States in the policing of said reservation within said park without process of any person taken in the act of violating the law or this act or the regulations prescribed by the said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Lassen Volcanic National Park at a place to be designated by the court making such appointment: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the Northern District of California.

SEC. 12. That the Secretary of the Interior shall notify in writing the governor of the State of California of the passage and approval of this act, and of the fact that the United States assumes police jurisdiction over said park as specified in said act of the State of California.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EXECUTION OF WARRANTS IN CRIMINAL CASES

The next business on the Consent Calendar was the bill (H. R. 9784) for the issuance and execution of warrants in criminal cases and to authorize bail.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COCHRAN of Missouri. Mr. Speaker, this bill has no place on the Consent Calendar. It is too important a measure, and I object. I ask unanimous consent that I may place in the RECORD a brief statement in regard to the measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, I dislike to be placed in a position of opposing legislation which seeks to bring about a speedier administration of the criminal law, but I can not subscribe to the last paragraph of the report, which says:

The bill is designed to bring about a speedier administration of the criminal law, without, on the other hand, depriving the defendant of any of his substantial rights, and it is earnestly urged in the interest of the better and more efficient administration of justice.

Under our present system, which is most favorable to the Government, there are but three things which can be considered on a removal, namely: First, is the person named in the indictment the person sought to be removed; second, does the indictment state a cause of action; and third, under the indictment has the court jurisdiction of the person sought to be removed?

To-day the law provides when a warrant is served the party is taken before a commissioner, where the question of probable cause must be shown. Then it is up to the defendant to put the case before the commissioner to show that the grand jury was without probable cause. This evidence may be rebutted by the Government if the district attorney so elects. The matter then proceeds to the trial judge, where the holding of the commissioner on the question of probable cause can be assailed. Defects in the indictment can only be raised in the court where the indictment is found.

As we all know, the conspiracy statute has been used quite frequently the past few years. If this bill becomes a law, there is extreme danger of persecution rather than prosecution.

It is common knowledge that the country is at the present time suffering from a crime wave, but surely conditions will return to normal. Are you going to pass a law that will require one of your constituents to give bond for an appearance on an information in jurisdictions other than that in which he resides without giving him an opportunity to require that the Government show the indictment or information states a cause of action? Much as I would like to see a speedier administration of the criminal law, I do not want to deprive a citizen of this right. Nor do I feel it would be wise to provide a procedure such as is outlined in this bill when an information is issued.

Why, some district attorney, through spite or upon being misinformed, by merely signing a paper could have a man extra-

ditioned all the way from the Philippine Islands to Florida or from Seattle, Wash., to Portland, Me.

I feel the arguments made before the committee, as shown by the report, are grossly exaggerated. I have been unable to find, in the district in which I reside, no cases where you are allowed a trial as to probable cause or a hearing into the merits.

Because the present law has been abused in some instances, why pass a bill which might do a great injustice to many innocent people?

In objecting to the consideration of this bill to-day I am calling to the attention of the Members a very important measure which has no place on the Unanimous Consent Calendar, and I hope that before it is reached again, which will be in two weeks, the Members will give the bill special consideration.

THE ABSAROKA AND GALLATIN NATIONAL FORESTS

The next business on the Consent Calendar was the bill (H. R. 15) authorizing an appropriation to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L. 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$150,000, which sum shall continue available until expended, to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L. 655), entitled "An act to make additions to the Absaroka and Gallatin National Forests and the Yellowstone National Park, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes": *Provided*, That the total expenditures from this appropriation shall not exceed the combined total of the sums contributed by private or other agencies under the provisions of clause (a) of section 1 of said act and the appraised values of land donated or bequeathed under the provisions of clause (b) of section 1 of said act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REIMBURSEMENT FOR INTEREST PAID ON RAILROAD-AID BONDS

The next business on the Consent Calendar was the bill (H. R. 9207) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe, for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE LA FAYETTE EXTENSION ROAD

The next business on the Consent Calendar was the bill (H. R. 11723) to provide for the paying of the Government road, known as the La Fayette Extension Road, commencing at Lee and Gordon's mill, near Chickamauga and Chattanooga National Military Park, and extending to La Fayette, Ga., constituting an approach road to Chickamauga and Chattanooga National Military Park.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, what assurance have we that the State of Georgia will take over the road?

Mr. CRAMTON. If the gentleman from New York will yield, I have prepared two amendments which the gentleman from Georgia has agreed to accept. One is a provision that the money will not be expended unless it is matched by an equal amount by the State or locality, and the other is that the money is not to be spent until the county or State has accepted the title. I think that covers the situation, and the gentleman from Georgia states that that is what they intend to do.

Mr. LAGUARDIA. And the Government will be relieved from further maintenance of the road?

Mr. CRAMTON. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized to improve and pave the Government road, known as the La Fayette Extension Road, commencing at Lee and Gordon's mill, near Chickamauga and Chattanooga National Military Park, and extending to La Fayette, Ga., in the length of approximately 12.9 miles, for which an appropriation of not to exceed \$193,500 is hereby authorized out of any money in the Treasury not otherwise appropriated: *Provided*, That should local interests desire that said road be improved and paved in such manner as would involve an expenditure of more than \$193,500 the Secretary of War is hereby authorized to expend such sum as may be contributed by said local interests concurrently with the appropriation herein authorized in the improvement and pavement of said road: *Provided further*, That no part of the funds herein authorized to be appropriated shall be expended prior to such time as agreements have been made for the conveyance of the Federal jurisdiction over said road, as provided in the act of March 3, 1925 (43 Stat. L. 1104), immediately upon the completion of such improvements as may be made hereunder.

With the following committee amendments:

Page 2, line 6, strike out the words "local interests" and insert in lieu thereof "the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority."

Page 2, line 12, after the colon, strike out all down to and including line 18, and insert in lieu thereof the following:

"Provided further, That should the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority desire that the position of said road be changed in any particular from the present Government-owned right of way, and should such local interests acquire title to the land necessary to effect such changes, the Secretary of War may expend the funds herein authorized for the improvement and pavement of such road as changed: *And provided further*, That no part of this appropriation shall be expended until the State of Georgia, or the counties or municipalities thereof concerned, have obligated themselves in writing to the satisfaction of the Secretary of War that they will accept title to the present Government-owned road known as the La Fayette Extension Road and will maintain said road as built under the provisions of the act approved March 3, 1925 (43 Stat. L. 1104), immediately upon the completion of such improvements as may be made under this appropriation."

Mr. CRAMTON. Mr. Speaker, I offer two amendments to the committee amendment and ask that they be considered together.

The Clerk read as follows:

Page 2, as a substitute for the committee amendments, strike out lines 4 to 9, inclusive, and insert in lieu thereof the following: *"Provided*, That no part of the appropriation herein authorized shall be available until the State of Georgia or any county or municipality or local subdivision thereof, or any State or county or municipal highway commission or equivalent public authority, shall contribute at least an equal amount for the same purpose and the Sec."

Amend the second amendment by striking out lines 5 to 10, inclusive, on page 3, and insert in lieu thereof the following: *"And provided further*, That no part of the appropriation herein authorized shall be expended until the State of Georgia or the counties or municipalities thereof concerned have accepted title to the present Government-owned road known as La Fayette Extension Road and have obligated themselves in writing to the satisfaction of the Secretary of War that they will maintain."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The amendments as amended were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION OF CULVERTS AT CAMP M'CLELLAN, ALA.

The next business on the Consent Calendar was the bill (H. R. 5590) to authorize appropriations for construction of culverts and trestles in connection with the camp railroad at Camp McClellan, Ala.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, though I shall not object, I desire to say this: This is one of those bills of which there is a flood coming in here from the War Department—bills authorizing appropriations, where the appropriations are already authorized by law. This is just a

subterfuge on the part of the Army to get a larger appropriation than they otherwise would. However, the amount is not large, and the need is apparent. If the department would allocate more to this particular purpose they could do this with the money they have now; but I have reason to believe that there will not be a continuance of this flood of that sort of bills. Therefore, I am not going to be unpleasant about this bill, and I withdraw my objection.

Mr. LA GUARDIA. Mr. Speaker, I suggest to the gentleman from Alabama that we ought to strike out in line 5 the comma and the words "in order", and in line 8 insert the words "a sum."

Mr. JEFFERS. There is no objection upon my part to the proposed amendments, Mr. Speaker, because they will clarify the language.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated for the purpose of purchasing the necessary materials and hiring the necessary labor, in order to construct or repair culverts and trestles and other parts of the camp railroad at Camp McClellan, as in the opinion of the Secretary of War may be necessary, not to exceed \$36,440.

With the following committee amendment:

Line 8, strike out "\$36,440" and insert "\$19,830."

The committee amendment was agreed to.

Mr. LA GUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA: Page 1, line 5, strike out the comma and the words "in order"; and in line 8, after the word "necessary," insert the words "a sum."

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF STATE OF KENTUCKY

The next business on the Consent Calendar was the bill (H. R. 10565), to authorize an appropriation for the relief of the State of Kentucky on account of roads and bridges damaged or destroyed by the recent flood.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. THATCHER. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I think that this is a pretty important bill which does not belong on this calendar. Therefore, I object to the request of the gentleman from Kentucky, and I object to the bill.

The SPEAKER. The gentleman from Michigan objects.

IMPORTATION OF COFFEE INTO PORTO RICO

The next business on the Consent Calendar was the bill (H. R. 8559), to amend section 58 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DYER. Mr. Speaker, reserving the right to object, is the Delegate from Porto Rico [Mr. DAVILA] in favor of this legislation?

Mr. DAVILA. I am.

Mr. DYER. And it would be beneficial to the island of Porto Rico?

Mr. DAVILA. It would.

Mr. LA GUARDIA. Mr. Speaker, I think the RECORD should show that this is not a duty imposed upon the people of Porto Rico, but it is a duty imposed to prevent coffee from other countries entering Porto Rico and then being exported from Porto Rico as Porto Rican coffee.

Mr. DAVILA. That is correct.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 58 of an act entitled "An act to provide a civil government for Porto Rico, and for other purposes,"

approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 58. That all laws or parts of laws applicable to Porto Rico not in conflict with any of the provisions of this act, including the laws relating to tariffs, customs, and duties on importations into Porto Rico prescribed by the act of Congress entitled 'An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes,' approved April 12, 1900, are hereby continued in effect, and all laws and parts of laws inconsistent with the provisions of this act are hereby repealed: *Provided*, That on all coffee in the bean or ground imported into Porto Rico there shall be levied and collected a duty of 10 cents per pound, any law or part of law to the contrary notwithstanding."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REPAIR OF CUSTOMS BUILDINGS IN PORTO RICO

The next business on the Consent Calendar was the bill (H. R. 9363) to provide for the completion and repair of customs buildings in Porto Rico.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for:

- (1) The completion of the customhouse at San Juan, P. R., at a cost not to exceed \$41,019.91;
- (2) The pavement of the roadways and approaches on the customhouse property around said building, at a cost not to exceed \$25,000;
- (3) The repairing of the customhouse at Ponce, P. R., at a cost not to exceed \$4,500;
- (4) The repairing of the customs warehouse shed and customs office building at Mayaguez, P. R., at a cost not to exceed \$1,500;
- (5) The repairing of the customhouse at Humacao, P. R., at a cost not to exceed \$4,000.

That all said amounts are to be paid out of duties collected in Porto Rico, as an expense of collection, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SALARY OF CERTAIN JUDGES OF PORTO RICO

The next business on the Consent Calendar was the bill (H. R. 10952) to fix the salaries of certain judges of Porto Rico.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DYER. Mr. Speaker, there is another bill on this calendar which includes the Porto Rican situation in respect to increasing the pay of judges. The Committee on the Judiciary has reported the bill, which is on the Consent Calendar, which takes care of the increase in pay for judges of the Territory of Hawaii, Porto Rico, the Philippines, the United States Court for China, and the Virgin Islands. I ask the gentleman from Pennsylvania [Mr. KIESS] whether he will permit his bill to pass without prejudice and see if we can not take up the other bill?

Mr. DAVILA. Mr. Speaker, I think we ought to have this bill passed at this time, because it is possible there may be some objection to the Philippine or Hawaiian provisions of the other bill, although not to the Porto Rican. It is money paid out by the Porto Rican treasury.

Mr. LaGUARDIA. No objection has manifested itself so far as I know to any of the legislation.

Mr. DAVILA. In Porto Rico the money is paid by the Porto Rican treasury. In Hawaii I understand it is paid out of the Federal Treasury. I believe this bill has more chance of passage in its present form than if it were linked with the Hawaiian bill.

Mr. SCHAFER. Has this bill the approval of the Commissioner from the Philippine Islands?

Mr. DYER. Mr. Speaker, I ask unanimous consent that we dispose of this question now before the House.

Mr. LaGUARDIA. Mr. Speaker, there is now a bill before the House, coming from the Committee on the Judiciary, of which the gentleman from Missouri [Mr. DYER] is a member. I ask for the regular order on that bill at this time. The regular order is, Is there objection?

Mr. DYER. I ask unanimous consent, Mr. Speaker, that that bill be passed over temporarily until we reach the other

bill. This is on the calendar and it includes all the courts to which I have made reference.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be passed over temporarily.

Mr. KIESS. How far down on the calendar is the other bill?

Mr. DYER. It is No. 435.

Mr. KIESS. We do not want to lose our rights.

Mr. DYER. I ask unanimous consent, Mr. Speaker, that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. KIESS. I object.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DYER. I object.

The SPEAKER. The Clerk will report the next bill.

MONTEZUMA NATIONAL FOREST, COLO.

The next business on the Consent Calendar was the bill (H. R. 6854) to add certain lands to the Montezuma National Forest, Colo., and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that it be passed over until we can get further data on the matter. I have asked for a report from the Interior Department.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

GUNNISON NATIONAL FOREST, COLO.

The next business on the Consent Calendar was the bill (H. R. 7223) to add certain lands to the Gunnison National Forest, Colo.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, this bill, H. R. 7223, provides for the addition of some 6,120 acres of public land to the Gunnison National Forest, in Gunnison County, Colo., in my congressional district.

I introduced the bill at the express request of the board of county commissioners of that county and a large number of ranchmen and cattlemen and many other citizens of the county. In fact, there is no opposition to the measure that I am aware of in that vicinity.

The land lies adjacent to the Gunnison National Forest along the Taylor River and certain creeks tributary to the Gunnison River. The land is mountainous in character and contains a substantial amount of timber, consisting principally of Douglas fir, lodge-pole pine, and western yellow pine.

The Secretary of the Interior and Secretary of Agriculture both formally approved the bill and the matter was referred to the National Forest Reservation Commission, and Mr. Dwight F. Davis, the Secretary of War, who is the president of that commission, has made a favorable recommendation of the bill to the President of the United States, and on the 19th of March of this year President Coolidge favorably recommended the bill to Congress. So that with the unanimous approval of all the official machinery of the Government pertaining to the public domain, and the approval of practically all the people of the county in which the land is located, I confidentially hope that the measure will meet with the approval of the House and Senate.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the following-described public lands be, and the same are hereby, added to and made a part of the Gunnison National Forest, Colo., and are to be hereafter administered under the laws and regulations relating to the national forests:

Township 14 south, range 85 west, sixth principal meridian: North half northeast quarter, southeast quarter of section 26; all of section 35.

Township 15 south, range 83 west, sixth principal meridian: West half northeast quarter, west half southeast quarter, northeast quarter southeast quarter of section 7; south half northeast quarter, southeast quarter, east half southwest quarter of section 8; all of section 17; northwest quarter, west half northeast quarter, southeast quarter northeast quarter, south half southeast quarter, northwest quarter southeast quarter, south half southwest quarter of section 18; all of section 19.

Township 15 south, range 84 west, sixth principal meridian: East half of section 7; all of section 13; south half of section 14 southeast quarter of section 15; east half of section 22; all of section 23; all of section 24; northeast quarter of section 27: *Provided*, That the inclusion of any of the aforesaid land in the Gunnison National Forest shall not affect adversely any valid application or entry pending at the date of the approval of this act.

With the following committee amendment:

Page 2, line 8, strike out the word "southeast" and insert in lieu thereof the word "southwest."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

POST-OFFICE BUILDING AT PHILIPPI, W. VA.

The next business on the Consent Calendar was the bill (H. R. 10799) for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOWARD of Oklahoma. Mr. Speaker, reserving the right to object, my understanding is that public buildings and post-office buildings are being erected throughout the country now according to the Elliott bill. This bill may be all right, but I would like to know the reason for the departure from the regular practice?

Mr. BOWMAN. This bill is based on an emergency which exists in Philippi. Philippi has postal receipts amounting to \$17,000 annually. It does not come within the Government building program, which is limited to towns having postal receipts of \$20,000 a year. After the destruction of the former post-office building at Philippi by fire there was just one place where the post office could be moved, and that was in a small room of the county courthouse. Inspectors were sent to Philippi who attempted to get other rented quarters at Philippi, but were unable to do so. This plan was devised in order to meet the emergency.

Mr. HOWARD of Oklahoma. I have four or five towns in my district that are in that situation.

Mr. LAGUARDIA. The Government does not own the land in Philippi on which the building is to be constructed. If the Government purchased the land, the cost would be about \$70,000. Under the arrangement provided by the bill it would cost a total of \$52,600. Personally I do not approve the suggestion of leasing the land from this association, but I do approve giving them permission to construct this building under a lease which will provide for payment in 10 years.

Mr. HOWARD of Oklahoma. What does the gentleman think of establishing a precedent? The committee has limited buildings to towns of \$20,000 annual postal receipts. Now, if you break the precedent do you not open up a flood of similar bills?

Mr. LAGUARDIA. Is not the gentleman confusing it with cases where the Government does not own the land?

Mr. BOWMAN. They are making provision to provide the land.

Mr. LAGUARDIA. Then it comes under the rule?

Mr. SIMMONS. I have a number of cities in my district where the people would gladly give the sites if the Government would build the buildings.

Mr. BUSBY. Mr. Speaker, if the gentleman will yield, I happen to be on the committee that reported the bill. I will explain to the gentleman that this would set a precedent. It would set a precedent, especially as to those places where the Government has bought sites heretofore, there being about 150 of them in the United States. This bill proposes that a certain business organization shall be formed by the citizens of this place and they, in order to entitle them to proceed with the construction of this building, must necessarily lease the Government land for that purpose only. That gives them authority to go on that land and construct this building, and it is to be done on the basis of paying back to these individuals one-tenth of the construction price, plus 6 per cent, and that will pay for the building in 10 years, at which time it will become the property of the United States Government. It does set a precedent, but a precedent which, perhaps, all the rest of us can follow who have sites in our districts. I do not have any in mine.

Mr. LAGUARDIA. It, perhaps, establishes an economical precedent.

Mr. BUSBY. It establishes an economical precedent and opens up an additional way by which post-office buildings might be obtained.

Mr. HOWARD of Oklahoma. I wish the gentleman would suggest something by which others of us can open up an additional way to get post offices in our districts.

Mr. BUSBY. I think the gentleman is entirely right, but it would afford an additional way of securing buildings, not in the way I would get them, but in the way some Members would like to get them, and if they want to get them in that way it is all right with me.

Mr. HOWARD of Oklahoma. The gentleman is a member of the committee which wrote the Elliott bill?

Mr. BUSBY. But I did not support the Elliott bill.

Mr. HOWARD of Oklahoma. I know the gentleman did not.

Mr. ROMJUE. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. ROMJUE. Did I understand the gentleman from Mississippi correctly a moment ago that this is to be built on leased ground?

Mr. BUSBY. It is to be built on Government ground that is to be leased to this organization, and this will entitle them to go on the ground for the purpose of erecting the building.

Mr. LAGUARDIA. If the gentleman will yield, if there is no objection to this bill, I shall move to strike out the first proviso and leave in the second proviso, which will grant them permission to erect the building.

Mr. BUSBY. That would be entirely practicable.

Mr. HOWARD of Oklahoma. The gentleman from Oklahoma is going to congratulate the gentleman from West Virginia, and so far as he is concerned withdraws his reservation of objection.

Mr. LAGUARDIA. Mr. Speaker, further reserving the right to object, may I call the attention of the gentleman from West Virginia and the gentleman from Mississippi, who is an expert on this—

Mr. BUSBY (interposing). I do not claim to be.

Mr. LAGUARDIA. Instead of leasing this property, now the property of the Government, for 10 years, as provided in the first proviso of the bill, I would strike out that proviso and leave the second proviso in the bill, which would authorize this Philippi Association to erect a building upon this land and then leave the rest of the provisions in the bill.

Mr. BUSBY. Let me suggest that my understanding is that the Treasury Department thought it would be best to lease this land to this association in order to give them the right to go on it and do anything that is necessary.

Mr. LAGUARDIA. When we grant them permission to build we grant them a right.

Mr. BUSBY. And that might be a license which could be revoked.

Mr. LAGUARDIA. Exactly. When we grant them a lease for 10 years it becomes a property right which may be recorded. That lease for 10 years, together with the building, would be taxable. Now, why incur the possible risk of having it taxed when we are going to buy this building. On the other hand, if we give no title to the land the Government will retain title to the land and there would be no doubt about escaping the \$5,000 tax.

Mr. BUSBY. I think what the gentleman suggests is entirely sufficient and would serve the purpose, but that is a question for the gentleman from West Virginia to determine.

Mr. BOWMAN. Will the gentleman yield for a moment?

Mr. LAGUARDIA. Certainly.

Mr. BOWMAN. This bill has been approved by the Treasury and Post Office Departments and also by the Budget; and this bill, after it had been prepared, contrary to the usual practice, was submitted to the Comptroller General for his approval. It was submitted to him simply because in the very beginning of this proposition the Post Office Department and the Treasury Department, as well as the Budget, had worked out this plan for the construction of a post office in Philippi. However, it struck a snag when it went to the Comptroller General's office, and he said it would be necessary to have special legislation if we expected to construct the building. So this bill has been approved by the Budget, the Post Office Department, the Treasury Department, and has the O. K. of Comptroller General McCarl. But I can see no objection to the amendment of the gentleman from New York if he insists on having his amendment in the bill.

Mr. LAGUARDIA. With all due deference to the departments, we have not yet given up our parliamentary form of government in this Republic.

Mr. BOWMAN. I understand; but I am fearful we might run into something that would prevent us from carrying out the purposes of the bill. I will accept the gentleman's amendment.

Mr. LAGUARDIA. Just listen to this in the letter of the Postmaster General:

Taxes over a 10-year period will amount to \$5,007.

I am trying to get away from that if I can.

Mr. BOWMAN. I understand.

Mr. BLACK of Texas. I reserve the right to object. Mr. Speaker. The principal defect I see in this bill is that it commits the Government of the United States to paying 6 per cent interest when it has no difficulty whatever in borrowing money at 4 per cent or less. It is said this bill is to serve as a precedent, and I think it would be unwise to adopt the precedent of committing the Government of the United States to paying 6 per cent interest at a time when it can borrow money for much less. If it is agreed that this bill will be amended so that the rate of 6 per cent will be reduced to 4 per cent, I shall not object.

Mr. BOWMAN. Will the gentleman yield?

Mr. BLACK of Texas. I yield.

Mr. BOWMAN. The gentleman understands that the money for the construction of this building is provided by the Philippi Improvement Co. It is necessary for this company to go into the banks in Philippi and borrow this money, and they must pay 6 per cent.

Mr. BLACK of Texas. I know; but the Government must repay the 6 per cent when it can borrow money at the rate of 4 per cent.

Mr. LAGUARDIA. This is not a private corporation.

Mr. BOWMAN. Oh, no.

Mr. BLACK of Texas. I understand that; but it seems to me it would be unwise to commit the Government to paying a rate of 6 per cent when it is well known it can borrow money at a much less rate.

Mr. BOWMAN. But the gentleman understands, I am sure, the Government is not lending the money on this proposition.

Mr. BLACK of Texas. I know; but it is to repay it.

Mr. BOWMAN. If the gentleman had to borrow money at 6 per cent and somebody was to reimburse him, he would expect to be repaid at the rate of 6 per cent.

Mr. BLACK of Texas. There is the whole trouble with the proposition. It is a novel one, and I understand it is thought it might set a precedent which might be followed in other cases.

Mr. LAGUARDIA. There is one consideration I might suggest to the gentleman. The difference between 4 per cent and 6 per cent would be trivial in comparison with the difference in cost of \$70,000 and \$52,000.

Mr. BLACK of Texas. I will say, if this was the only proposition that was ever to be enacted under this kind of a law it would be a different proposition; but I have been informed it is thought this would probably act as a precedent for 150 other communities similarly situated.

Mr. LAGUARDIA. This would save the Government a lot of money on our buildings.

Mr. BLACK of Texas. It would not save in interest if we paid 6 per cent when the Government can borrow money at 4 per cent.

Mr. BARBOUR. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. BARBOUR. Has not an arrangement similar to this been made in a great many towns and cities throughout the United States wherein local interests have gone ahead and built a post office and then the Government has agreed to reimburse them the amount which the building cost, together with a reasonable rate of interest over a certain period of years?

Mr. LAGUARDIA. It is a very good arrangement.

Mr. BARBOUR. Is not this a somewhat similar arrangement to that?

Mr. BOWMAN. I think that has been done in the case of temporary buildings only.

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice so that we may look into it further. I do not wish to arbitrarily interpose an objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SUBSCRIPTION CHARGES FOR NEWSPAPERS, MAGAZINES, ETC.

The next business on the Consent Calendar was the bill (H. R. 11989) providing that subscription charges for newspapers, magazines, and other periodicals for official use may be paid for in advance.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. DYER. Will the gentleman withhold his objection?

Mr. LAGUARDIA. Certainly.

Mr. DYER. I will say to the gentleman that this bill simply provides that subscriptions may be paid for in advance, which would make it unnecessary to carry such a provision in appropriation bills.

Mr. LAGUARDIA. Mr. Speaker, section 3648 of the Revised Statutes is one of the most wholesome, most necessary, and most protective statutes of all the statutes of the United States, and I am going to object to every bill that comes in seeking to break down that statute.

Mr. DYER. This does not break it down.

Mr. LAGUARDIA. If the United States Government has not sufficient credit to obtain a paper for one year and pay for it at the end of the year, then we might as well go out of business.

Mr. DYER. They can not always do it.

Mr. LAGUARDIA. Then they can send over to the Congressional Library and get the papers.

Mr. DYER. The chairman of the Committee on Appropriations has urgently asked for this legislation to save trouble to the committee in carrying this provision in the appropriation bill year after year.

Mr. LAGUARDIA. And with the same degree of urgency I object.

SMITHSONIAN INSTITUTION

The next business on the Consent Calendar was the bill (H. R. 5495) to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Speaker, it has come to my attention that where work of this kind is carried on on land subject to the National Park Service or the Bureau of Indian Affairs that there has sometimes been a little disagreement between the representatives of the Smithsonian in charge of the work and the Park Service as to the disposition of the various articles that are brought up in these excavations. For instance, we are establishing museums, and it is quite desirable that some of the specimens be there preserved. So I have framed an amendment which the gentleman from Tennessee has accepted. I did not know that the gentleman from Massachusetts [Mr. LUCE] was on the floor, or I would have shown it to him. It provides that where lands are involved which are under the jurisdiction of the Bureau of Indian Affairs or the National Park Service cooperative work thereon shall be under such regulations and conditions as the Secretary of the Interior may provide. I trust that that will be acceptable to the gentleman from Massachusetts.

Mr. LUCE. I did not know that the Bureau of Indian Affairs had established museums.

Mr. CRAMTON. I have not stated that they have established museums on Indian lands, but this prevents any question coming up in the future, and I think it can do no harm in any event.

Mr. LUCE. The gentleman from Tennessee is more familiar with the subject than I am, and whatever he accepts I will abide by.

Mr. BYRNS. This bill provides for work being done by the State or scientific organizations, and I can see how there might be work done on land by educational scientific organizations, and it occurred to me that under the statement made by the gentleman from Michigan there could really be no particular objection to the adoption of this amendment. Therefore, I told him that as far as I was personally concerned I would not object to it.

Mr. LUCE. And I gladly defer to the opinion of the gentleman from Tennessee.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I want to point out to the gentleman from Massachusetts, who is one of the most careful and painstaking legislators in the House, who takes the utmost pains in his work, that a few days ago he very kindly and with many reservations criticized some of the Members who take an active part on this calendar. I submit that here is a bill providing authority for excavations and for an appropriation of \$20,000, and I want to ask anyone in the House if they can glean one intelligent bit of information from the report submitted by the gentleman from Massachusetts. [Laughter.]

Mr. BYRNS. Perhaps the gentleman from Massachusetts felt that it did not need any explanation.

Mr. LAGUARDIA. But it does. It is highly scientific and we are not endowed with the profound knowledge that the gentleman from Massachusetts has, and therefore it required a great deal of time and research on our part to ascertain the facts which an ordinary report of the committee would have given us. But, Mr. Speaker, on the assurance of the gentleman from Michigan and the gentleman from Tennessee I shall not object. [Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Smithsonian Institution is hereby authorized to cooperate with any State, educational institution, or scientific organization in the United States for continuing ethnological researches among the American Indians and the excavation and preservation of archaeological remains.

Sec. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000, which shall be available until expended for the above purposes: *Provided*, That at such time as the Smithsonian Institution is satisfied that any State, educational institution, or scientific organization in any of the United States is prepared to contribute to such investigation and when in its judgment such investigation shall appear meritorious, the Secretary of the Smithsonian Institution may direct that an amount from this sum equal to that contributed by such State, educational institution, or scientific organization, not to exceed \$2,000, to be expended from such sum in any one State during any calendar year, be made available for cooperative investigation: *Provided further*, That all such cooperative work and division of the result thereof shall be under the direction of the Secretary of the Smithsonian Institution.

Mr. CRAMTON. Mr. Speaker, at the end of the section 2 I move to amend by inserting the following:

The Clerk read as follows:

Page 2, line 17, after the word "institution," insert: "*Provided further*, That where lands are involved which are under the jurisdiction of the Bureau of Indian Affairs or the National Park Service cooperative work thereon shall be under such regulations and conditions as the Secretary of the Interior may provide."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TABLETS TO AMERICAN SOLDIERS IN THE BATTLE OF BRANDYWINE

The next business on the Consent Calendar was the bill (H. R. 8546) authorizing an appropriation of \$2,500 for the erection of a tablet or marker at Lititz, Pa., to commemorate the burial place of 110 American soldiers who were wounded in the Battle of Brandywine and died in the military hospital at Lititz.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object—and I shall not object to this bill—I want to call the attention of the gentleman from Massachusetts, chairman of the committee that reported the bill. I did it at the last session of Congress. I insisted that we provide that the monument, marker, tablet, or whatever it may be should be the work of American artists. Only a few days ago a semipublic institution awarded a medal to America's foremost young man—Lindbergh—and it happened to be the work of an artist here on a visit. I submit that while we provide for monuments, markers, and tablets, we want them to have artistic value, but we should do something to protect American art. On the other occasions I offered an amendment. I hate to do it on every bill coming up, and I hope that when the Committee on the Library reports these bills in the future they will bear in mind this suggestion and put the provision in the bill itself.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$2,500, or so much thereof as may be necessary, is hereby authorized to be appropriated, to be expended under the direction of the Secretary of War, in the erection of an appropriate tablet or marker at or near the spot in or near the borough of Lititz, in Pennsylvania, where 110 American soldiers of the Revolution, who were wounded in the Battle of Brandywine and were cared for in the military hospital at Lititz, lie buried.

With the following committee amendment:

Page 2, line 2, after the word "buried," insert a colon and the words "*Provided*, That the site on which the proposed tablet or marker is to be erected shall be acquired by the borough of Lititz."

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 2, at the end of the bill insert: "Sec. 2. The design of said marker or tablet shall be the work of an artist who is a citizen of the United States."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIBRARY OF CONGRESS

The next business on the Consent Calendar was the bill (H. R. 9355) to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. CRAMTON. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. SCHAFER. Yes.

Mr. CRAMTON. There is a great need for some expansion of the Library facilities.

Mr. SCHAFER. This is a bill which covers about \$600,000. I do not think the Consent Calendar is the proper calendar to consider such a bill on.

Mr. CRAMTON. I shall not argue with the gentleman about that. I am glad to know that he is not opposed to the bill.

Mr. SCHAFER. I think it is improper to have it on the Consent Calendar, and, therefore, I object.

NATIONAL ARCHIVES

The next business on the Consent Calendar was the bill (H. R. 10545) to create an establishment to be known as the national archives, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. EDWARDS. Mr. Speaker, I object.

SIoux TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 6862) authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate, hear, and determine the claims of the individual Indians whose names are enrolled on the approved rolls of the following Indian agencies: Rosebud, Pine Ridge, Lower Brule, Crow Creek, Cheyenne River, Yankton, Sisseton, and Flandreaux, in the State of South Dakota; Fort Peck, in the State of Montana; Fort Totten, in the State of North Dakota; Standing Rock, in the States of North and South Dakota; and Santee, in the State of Nebraska: *Provided*, That the Secretary of the Interior is authorized to make all rules and regulations necessary to carry out the provisions of this act: *Provided further*, That the claims which shall be investigated under this act shall be individual claims for allotments of land and for loss of personal property or improvements where the claimants or those through whom the claims originated were not members of any band of Indians engaged in hostilities against the United States at the time the losses occurred. If any such claims shall be considered meritorious, the Secretary of the Interior shall adjust same where there is existing law to authorize their adjustment, and such other meritorious claims he shall report to Congress with appropriate recommendation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL CEMETERY, BATON ROUGE, LA.

The next business on the Consent Calendar was the bill (H. R. 8742) to authorize the Secretary of War to grant and convey to the city of Baton Rouge, La., a perpetual easement for public-street purposes over and upon a portion of that

part of the United States National Cemetery at Baton Rouge, La., lying outside the cemetery wall.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. JAMES. Mr. Speaker, will the gentleman reserve his objection?

Mr. SCHAFER. I shall reserve the objection, but there is no provision in the bill that this property be returned to the Federal Government should the State of Louisiana discontinue the use of the property for public-road purposes.

Mr. LAGUARDIA. Mr. Speaker, I propose to offer that amendment.

Mr. SCHAFER. Then I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of War be, and he is hereby, authorized, subject to such conditions as may seem to him proper, to convey by proper quitclaim deed, to the city of Baton Rouge, La., a municipal corporation of the State of Louisiana, for use as a public street, all the right, title, and interest of the United States in and to a parcel of ground 31.5 feet by 322 feet between parallel lines and fronting 31.5 on the north side of Convention Street and 31.5 on the south side of Florida Street, being the east 31.5 feet of square 21 in that part of the city of Baton Rouge, La., known as Hickey Duncan and Mather Town as shown on map made by William G. Waller, civil engineer, dated July 18, 1878, on file with clerk of the court in the courthouse of East Baton Rouge Parish, State of Louisiana, being that small portion of land belonging to the national cemetery at Baton Rouge, La., lying outside the cemetery wall: *Provided*, That prior to the delivery of any conveyance under this act the city of Baton Rouge, La., shall notify the Secretary of War, in writing, of its willingness to accept and maintain as a public street the parcel of ground included in such conveyance: *Provided further*, That upon the execution and delivery of any conveyance herein authorized the jurisdiction of the United States of America, which has been heretofore ceded to the United States by the State of Louisiana over such parcel of ground, shall hereby cease and determine and shall hereafter vest and be in the State of Louisiana."

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk:

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 4, add the following: "Sec. 2. No part of the property granted and conveyed by the Secretary of War for the purposes aforesaid shall be used for any other than street purposes and when such property shall cease to be so used it shall revert to the United States of America, together with jurisdiction over such parcel of ground."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill to authorize the Secretary of War to convey to the city of Baton Rouge, La., a portion of the Baton Rouge National Cemetery for use as a public street."

ROADS AT THE PRESIDIO OF SAN FRANCISCO, CALIF.

The next business on the Consent Calendar was the bill (H. R. 9047) to authorize appropriations for the construction of roads at the Presidio of San Francisco, Calif.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this is another bill in the same class I referred to in connection with the bill of the gentleman from Alabama [Mr. JEFFERS]. There is ample authority already. This bill is just an effort to expedite those appropriations. For the reasons I gave in withdrawing my objection to the Alabama bill, and because this is a bill by the lady from California [Mrs. KAHN], I am not going to object. I have reason to hope that we will not continue to get these bills, which are really an evasion of the Budget.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the

sum of \$47,200 for the purpose of completing the military roads at the Presidio of San Francisco, Calif.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAVING OF RINGGOLD ROAD, GEORGIA

The next business on the Consent Calendar was the bill (H. R. 11724) to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park.

Mr. TARVER. Mr. Speaker, I ask unanimous consent that this bill, of which I am the author, be stricken from the Consent Calendar.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JAMES. Mr. Speaker, in view of the statement of the gentleman from Georgia, I ask unanimous consent that the bill be rereferred to the Committee on Military Affairs.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ACOMA PUEBLO INDIANS

The next business on the Consent Calendar was the bill (H. R. 11479) to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, we take care of the Acoma Indians at the present time. Will we be called upon to do a similar thing for the Lagunas?

Mr. MORROW. This is for the purpose of closing the matter and letting both Indian pueblos have an equal amount.

Mr. LAGUARDIA. And this will settle the matter permanently?

Mr. MORROW. This will settle it entirely. It is the idea to give them the grazing lands when the opportunity exists, which they now have. They have been using this land under Executive order. It is now proposed to reserve the area to them, so that they will have the land and it will be settled for all time.

Mr. CRAMTON. Mr. Speaker, if the gentleman will permit, I visited this section three or four years ago and urged at that time that something of this kind should be done to settle a long-standing dispute between these two pueblos. Incidentally it will interest the gentleman to know that no Indians are showing better results in progress than these Acoma Pueblo Indians.

Mr. MORROW. Mr. Chairman, in order that full information may be had concerning the legislation I am inserting herein my report from the Committee on Indian Affairs, which report includes the letter from the Acting Secretary of the Interior, Mr. E. C. Finney, on the measure:

Mr. LAGUARDIA. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all vacant, unappropriated, and undisposed of lands within township 7 north, ranges 7 and 8 west, and fractional township 8 north, range 8 west, New Mexico principal meridian, in New Mexico, be, and they are hereby, reserved for the sole use and occupancy of the Indians of the Acoma Pueblo: *Provided*, That the rights and claims of any bona fide settler initiated under the public land laws prior to October 3, 1927, the date of withdrawal of the lands from all forms of entry, shall not be affected by this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing the report on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The report referred to is as follows:

Mr. MORROW, from the Committee on Indian Affairs, submitted the following report (to accompany H. R. 11479):

The Committee on Indian Affairs, to whom was referred the bill (H. R. 11479) to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians, having considered the same, report thereon with a recommendation that it do pass without amendment.

Inquiry into the situation which this bill seeks to remedy reveals that for many years the Indians of the Acoma and Laguna Pueblos have been

engaged in controversy over lands which were set aside for their joint use. The Lagunas, about 1,900 in number, have a total of 264,880 acres under their control at present, while the Acomas, numbering about 841, have only 95,791 acres of land. This provides approximately 100 acres of grazing land per capita for the Acomas. Since they are strictly a shepherd folk, engaged in sheep and goat raising, this is absolutely inadequate.

There are near by approximately 14,000 acres of semiarid lands of little value except for grazing which were temporarily withdrawn from entry on October 3, 1927, and upon which there had previously been little interest in the establishment of homestead entries. This bill would reserve the area for the sole use and occupancy of the Indians of the Acoma Pueblo.

The bill contains a proviso for the protection of any bona fide settlers who went upon the land prior to its temporary withdrawal.

The Secretary of the Interior favors enactment of the bill as indicated by the following letter addressed to the chairman of the committee:

THE SECRETARY OF THE INTERIOR,
Washington, March 10, 1928.

HON. SCOTT LEAVITT,

Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: Further reference is made to your letter of February 29, 1928, transmitting for report copy of H. R. 11479, a bill to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians.

The Acoma pueblo is a community of Indians numbering about 841 located in Valencia County, N. Mex. Part of the land of this pueblo is held by the Indians through original grant from the King of Spain, made during the Spanish sovereignty and confirmed by Congress since the acquisition thereof (10 Stat. 309; 11 Stat. 374). In addition they have acquired by purchase small grants from Mexicans, and lands were provided for the joint use of the Acoma and Laguna pueblos by the Government through Executive order of March 21, 1917.

However, these Indians and the Indians of the Laguna pueblo have for many years been engaged in a controversy over lands. As stated above, Executive order of March 21, 1917, set aside certain lands for the use of the Lagunas and the Acomas, but the Lagunas thereafter contended that the land thus set aside was for their use exclusively. In order that the Indians of both pueblos might keep their livestock separate and not encroach upon each others' territory and at the same time settle somewhat the existing controversy, the Lagunas were given permission to build a fence inclosing the greater part of the Executive order area of 1917 and were given exclusive grazing rights on the areas thus fenced. The Lagunas, with a population of approximately 1,900, have a total of 264,880 acres under their control, while the Acomas, with a population of approximately 841, have only a total of 95,791 acres, or a little more than 100 acres of grazing land per capita.

Reports from the field show that the future welfare of the Acoma Indians is dependent upon additional grazing lands as they are a strictly shepherd folk engaged in sheep and goat raising and their present areas are inadequate for their needs. The lands involved in the bill covering approximately 14,000 acres were temporarily withdrawn from entry October 3, 1927, and are in a semiarid belt and are of so little value except for grazing purposes that no interest has been shown to any great extent in establishing homestead entries thereon.

In view of the facts herein set out it is respectfully recommended that the proposed legislation be given favorable consideration by your committee and the Congress.

Very truly yours,

E. C. FINNEY, Acting Secretary.

CLAIMS OF CALIFORNIA INDIANS

The next business on the Consent Calendar was the bill (H. R. 491) authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Reserving the right to object, Mr. Speaker, I want to call the attention of the House to the fact that this is merely one of many bills that pass the House practically without explanation and which breaks pretty nearly every policy laid down by the House. In the first place, it ignores the statute of limitations without making any excuse whatever for so doing. In the second place, this particular bill, on page 2, makes a declaration which I think is particularly dangerous in matters of legislation. It declares, although the committee has stricken out the words "to be the judgment of the Congress"—

It is hereby declared to be the judgment of the Congress that the loss to the said Indians on account of their failure to secure the lands and compensation provided for in the 18 unratified treaties is sufficient ground for equitable relief.

And then this bill goes on and refers this matter to the Court of Claims for adjudication, determining the case even before it reaches the court.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. In a moment.

This particular bill goes back to the year 1852. This is directly against the policy of the House, for the Committee on War Claims has refused thus far at this session and in the past two or three sessions to take up matters which occurred during the Civil War and some time subsequent to that.

Mr. KNUTSON. The gentleman is in error when he states that the Committee on War Claims has done that.

Mr. UNDERHILL. That is my understanding, at least. My understanding is that the committee has passed a rule in the committee refusing to take up such claims at this session, and it passed the same rule at the last session.

Mr. LEAVITT. This, of course, is not a war claim. It is a claim by Indians against their Government for losses incurred through the actions of people of the white race. It has to do with the robbing of these Indians by some of those who went into California at the time of the gold rush. They have been trying for many years to get into the Court of Claims and adjudicate their claims. It has not been due to failure on their part that they have not been in the Court of Claims. If justice is to be done them, the statute of limitations must be waived. The gentleman from California [Mr. LEA] has asked that the bill be passed over temporarily while he is getting information from the Commissioner of Indian Affairs regarding an amendment.

Mr. UNDERHILL. Mr. Speaker, I want to continue for a moment. I have picked out the most reasonable bill of this character, the one that has the best argument back of it that I could possibly find, to bring this matter to the attention of the House. I will say in connection with this particular bill that not one of the Indians whose land was taken is living. The Indians of our land are becoming the wealthiest of our people.

Mr. LEAVITT. Not these Indians.

Mr. UNDERHILL. "Solomon in all his glory was not arrayed like one of these," and yet "they toil not, neither do they spin." We are constantly passing out from the Treasury of the United States, not one million dollars, or two millions, but many millions, to the Indians, and I am getting, I will say, not rather suspicious, but of an inquiring turn of mind to find out why this particular group should be subject to treatment different from the treatment accorded white people and other people of the land.

Mr. LEAVITT. It would be just as fair to say that all the white people of the country are rich simply because John D. Rockefeller is a multimillionaire as to make that statement. The Osage Indians and other tribes of Oklahoma are rich because of the discovery of oil on their land. But these Indians in California are destitute, except as the result of their own labor, and they do work.

Mr. UNDERHILL. Are they wards of the Government, under the jurisdiction of and supported by the United States?

Mr. LEAVITT. Many of them are, and many of them are not.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, the bill is an unusual bill. I do not want to make a strong general statement concerning it, but I do not believe there is any State where they criticize more the Federal Government for lack of care of the Indians and do less for them than the State of California. Here the State of California is to bring a suit, and later there is an unlimited amount to which the State may be reimbursed. They are not even limited to the amount the State expends. The State may be reimbursed and find this a very profitable undertaking, this care they are giving the Indians.

Furthermore, on page 3, the bill provides that the Government may set off against the Indians' claims any amount expended under specific appropriations, but we spend a lot more under general appropriations than we do under specific appropriations. Any money that we spend for the benefit of these Indians under general appropriations, and it will run into the millions, can not be set off under this bill. For that and a number of other reasons I think it very desirable that the bill go over as suggested.

Mr. UNDERHILL. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. UNDERHILL. I have not mentioned what is a strong suspicion in my mind, that these various bills which come before us are raked up by claims attorneys here in Washington, and the way this bill is drawn is pretty conclusive evidence that some shrewd claims lawyer had a finger in the pie or pen in the ink when he wrote the bill.

Mr. LEAVITT. The gentleman knows that the proceeding in this case is by the attorney general of California.

Mr. UNDERHILL. But he did not write the provisions of the bill.

Mr. CRAMTON. In that connection I will say that section 5 provides that we shall not reimburse the State for the services of the attorney general, but for moneys expended by the State in the employment of attorneys to prosecute the claims. So on the face of it the attorney general is not going to prosecute the claims.

There is one other aspect to this case, since it has gotten to the attention of the House. The Budget suggested in this particular case that the bill would be all right if it carried with it also a provision that after this settlement is made the health and education work for these Indians should be carried on by the State of California. That is logical. When we make a settlement and pay them every cent, if any, we owe them, then the State of California should take up the burden of educating them and caring for their health, the same as it does for its other citizens. However, I would be opposed to that provision for the reason that I do not think the State of California would or could give them the care that the Federal Government is now giving them and should continue to give them.

Mr. KNUTSON. The gentleman is not criticizing the committee for not incorporating the suggestion of the Budget Bureau into this legislation, I take it.

Mr. CRAMTON. But since the report of the committee leaves upon the Federal Government all the burden for continuing their health work and their education that is upon it now, the bill itself is hardly logical.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. I yield, although I do not have the floor.

Mr. LEAVITT. I do not wish to take time from other bills, but since this bill has been attacked I ought to say this: In this case, just as in the case of the Texas Indians, something can be said with regard to the duties of the State, but the Indians themselves are in destitute circumstances; they are in many cases wards of the Government and in many cases where they have not been they have not been properly treated. It is a practical fact that unless the Federal Government does do this thing itself it is not done and the Indians are the sufferers.

Mr. CRAMTON. Just as an illustration, may I ask the gentleman from Montana this: We are now appropriating moneys to buy lands for the homeless Indians in California. Suppose this bill passes, claims are allowed, and there is a million dollars, or such a matter—

Mr. UNDERHILL (interposing). Two million dollars.

Mr. CRAMTON. They hope for \$5,000,000, but they should not have over \$1,000,000 at the outside. But suppose this bill passes, and settlement is made, and the money is frittered away. Then they expect us to go on just the same in buying lands for the homeless Indians of California, and they will be just as needy and just as much of an obligation as they are to-day. If this is to go through, there ought to be some provision written into the bill which would provide that whatever money is found to be due them shall constitute a fund which is to be expended for their benefit, which is to be expended for the purpose of buying lands for them and the providing of hospitals, and so forth.

Mr. KNUTSON. That is exactly what is contemplated.

Mr. CRAMTON. And the money ought not to be frittered away in some kind of a per capita payment.

Mr. KNUTSON. That is exactly what is contemplated.

Mr. CRAMTON. I should like to see it written into the law.

Mr. TILLMAN. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. The regular order is: Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. BLACK of Texas. Mr. Speaker, if the gentleman from Montana desires to make that request I shall withdraw my objection.

Mr. LEAVITT. Mr. Speaker, I make that request at the suggestion of the gentleman from California [Mr. LEA].

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

RELIEF OF THE STATE OF VERMONT

The next business on the Consent Calendar was the bill (H. R. 9767), to authorize an appropriation for the relief of the State of Vermont on account of roads and bridges damaged or destroyed by the recent flood.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill is not quite as serious as the Kentucky bill, which we recently passed over. That bill placed on the Federal Government the responsibility for all roads. This, I understand, is only for the Federal-aid roads, but it is a very large amount. I understand it has been put on as an amendment to the agricultural bill. For these reasons I think it ought not to be on this calendar and I, therefore, object.

EDUCATIONAL LEAVE TO EMPLOYEES OF THE INDIAN SERVICE

The next business on the Consent Calendar was the bill (H. R. 11629) to amend the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have some perfecting amendments, and may I call the attention of the gentleman to the fact that in referring to the United States Code it is customary to refer to sections and not to paragraphs, because there are paragraphs in the sections, and it is the sections that are numbered.

Then may I also suggest that we strike out everything after the word "amended" in line 8, down to the words "so that the proviso shall read," and then will follow the amended proviso. Otherwise we will have in our statutes a provision striking out certain words and inserting others. It is quite proper to report the bill in this way for the information of the House, but when you write it into law the gentleman can readily see the difficulty of inserting, for instance, in the fourth line certain words after the word "year." What the gentleman wants is that the act be, and the same is hereby, amended so that the proviso shall read, and so forth.

Mr. LEAVITT. There can be no objection to that. The bill is practically in the form in which it came from the department.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the proviso of the act approved August 24, 1912 (37 Stat. L. 519), as amended by the act approved August 24, 1922 (42 Stat. L. 829), be, and the same is hereby, amended by inserting in the second line of the sixth paragraph thereof, after the word "schools," the words "and physicians of the Indian Service," and by inserting in the fourth line thereof, after the word "year," the words "or not to exceed 60 days in every alternate year," so that the proviso shall read: "Provided, That hereafter employees of the Indian schools and physicians of the Indian Service may be allowed, in addition to annual leave, educational leave not to exceed 30 days per calendar year, or 60 days in every alternate year, for attendance at educational gatherings, conventions, institutions, or training schools, if the interest of the service require, and under such regulations as the Secretary of the Interior may prescribe, and no additional salary or expense on account of this leave of absence shall be incurred."

With the following committee amendment:

Page 1, line 4, after the figures "519," insert the words "United States Code, title 25, paragraph 275"; and page 1, line 7, after the figures "829," insert the words "United States Code, title 25, paragraph 275."

Mr. LAGUARDIA. Mr. Speaker, I have an amendment to the committee amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the committee amendment: Page 1, line 8, after the word "amended," strike out the balance of the line and all of line 9; and on page 2 strike out all of lines 1, 2, 3, and the words "in every alternate year" in line 4.

The amendment to the committee amendment was agreed to. The committee amendment as amended was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I have another amendment: On page 1, line 5, strike out the word "paragraph" and insert in lieu thereof the word "section," and in line 7 strike out the word "paragraph" and insert in lieu thereof the word "section."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE WABASH RIVER

The next business on the Consent Calendar was the bill (H. R. 9485) granting the consent of Congress to Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill if Roy Clippinger and the other parties mentioned in the bill are going to construct this bridge or whether they are bridge speculators, such as have been obtaining rights from Congress to construct bridges and then selling such rights to the big bridge trust?

Mr. WILLIAMS of Illinois. The parties named in the bill are all residents of the vicinity where this bridge is to be constructed. They now own and operate a ferry across the Wabash River at this point and they intend to build the bridge themselves.

Mr. SCHAFER. I shall not object.

Mr. DYER. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. DYER. Are they going to charge tolls on the bridge?

Mr. WILLIAMS of Illinois. Certainly.

Mr. LA GUARDIA. Does the gentleman know of his own knowledge if permission to construct a bridge has been granted to the permittees mentioned in this bill heretofore and whether they have assigned any such permit?

Mr. WILLIAMS of Illinois. No, sir; they have not.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Wabash River at a point suitable to the interests of navigation between a point at or near McGregors Ferry in White County, Ill., and a point in Posey County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. There is hereby conferred upon Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the States in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

Sec. 3. The said Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

Sec. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Indiana, the State of Illinois, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 50 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

Sec. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be

so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

Sec. 6. Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the State highway commissions of the States of Indiana and Illinois, a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War, at any time within three years after the completion of such bridge, shall investigate the actual cost of constructing the same and for such purpose the said Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, shall make available all its records in connection with the financing and construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

Sec. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

Sec. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near McGregors Ferry in White County, Ill., and a point in Posey County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. There is hereby conferred upon Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Sec. 3. The said Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

Sec. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Illinois, the State of Indiana, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or

expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property, and (4) actual expenditures for necessary improvements.

"SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

"SEC. 6. The said Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War, and with the highway departments of the States of Illinois and Indiana, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, shall make available all of their records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

"SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Amend the title so as to read: "A bill authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill."

A motion to reconsider was laid on the table.

BRIDGE ACROSS LAKE CHAMPLAIN

The next business on the Consent Calendar was the bill (H. R. 10643) authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburg, Vt.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, I ask the gentleman if the permittees have been granted permission to construct other bridges which they have assigned?

Mr. DENISON. The gentleman from New York just presiding as Speaker pro tempore is the author of this bill, and I will yield to him to answer the gentleman's question.

Mr. SNELL. What is the question?

Mr. LAGUARDIA. We have a situation here which is stated in documents of which I have photostatic copies whereby it has been the practice of a certain group to obtain these permits to construct bridges and then assign them to others. I deem it my duty to make this inquiry in all of these bridge bills.

Mr. SNELL. I can answer the gentleman. This company is going to construct the bridge itself. They have the money and are doing it at the request of the local people on both sides of the river in New York and the State of Vermont.

The SPEAKER pro tempore (Mr. CHINDELOW). The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 10643) authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburg, Vt.

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Gulf Coast Properties (Inc.), its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Lake Champlain, at a point suitable to the interests of navigation, between a point at or near Rouses Point, N. Y., and a point at or near Windmill Point, Vt., or near Alburg, Vt., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Gulf Coast Properties (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Gulf Coast Properties (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of New York, the State of Vermont, any public agency or political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record

of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Gulf Coast Properties (Inc.), its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of New York and Vermont a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Gulf Coast Properties (Inc.), its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Gulf Coast Properties (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the word "Properties" insert a comma, strike out the word "(Incorporated)" and insert the word "Inc." in lieu thereof.

Page 2, line 8, after the word "Act" change the period to a colon and insert the following: "Provided, That such bridge shall not be so located as to interfere with the landings and the cable used for the operation of the existing ferry between Rouses Point and Alburg."

Page 2, line 10, after the word "Properties" insert a comma, strike out the word "(Incorporated)" and insert the word "Inc." in lieu thereof.

Page 2, line 22, after the word "Properties" insert a comma, strike out the phrase "(Incorpo-" and insert the word "Inc." in lieu thereof.

Page 2, line 23, strike out the phrase "rated)."

Page 5, line 1, after the word "Properties" insert a comma, strike out the word "(Incorporated)" and insert the word "Inc." in lieu thereof.

Page 5, line 17, after the word "Properties" insert a comma, strike out the word "(Incorporated)" and insert the word "Inc." in lieu thereof.

Page 6, line 3, after the word "Properties" insert a comma, strike out the word "(Incorporated)" and insert the word "Inc." in lieu thereof.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Gulf Coast Properties, Inc., its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y."

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE KANAWHA RIVER AT POINT PLEASANT, W. VA.

The next business on the Consent Calendar was the bill (H. R. 11138) authorizing Point Pleasant Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COCHRAN of Missouri. Mr. Speaker, reserving the right to object, I have talked with the gentleman who introduced the bill, and he assures me that the people who are to construct this bridge do not propose to assign their rights. As Members know, I have been objecting to Eugene M. Elliott and his associates, as well as any corporation in which he is interested, from securing additional grants. I find Mr. Elliott has numerous corporations. I have copies of charters, and he controls practically all the stock. I also found that he assigns the franchises and does not construct the bridges.

Now, it is going to be a pretty hard matter for a Member to keep track of all the bills as well as learn the officers of the corporations who are asking for permits to build the bridges. I want to ask the gentleman from Illinois if it would be requesting too much if his committee required corporations or the Member who introduces the bill to file a statement with the committee, to be included in the report, giving the names and officers of the corporation, and a statement as to whether they propose to build the bridge or to assign their rights? I am sure this would assist to expedite business of the House. If we could get this information from the report, and it was found the persons requesting the passage of the bill intended to construct the bridge and not simply to sell the franchise, I doubt if any Member would offer an objection, unless a local situation warranted the action.

Mr. DENISON. In these bridge franchises granted by Congress, if they are granted to private individuals or companies, the bills give the right to assign. Sometimes the companies or persons authorized to build a bridge may fail financially after they get the bridge started, and before it is completed, and they assign the franchise to somebody who will finish the job. After careful consideration it has been found necessary to give the right to assign. That is the policy of the House and Senate, and it is a necessary provision in any bill granting a franchise to private individuals to build a bridge.

As to the committee ascertaining who the officers of the company are, that is a matter with which the committee is not concerned. Any Member of Congress can see the Member who introduces the bill and get the information from him. If he ascertains any facts concerning the company or the individuals who are going to construct the bridge which he thinks would justify him in objecting, he has that privilege. That is a matter the Committee on Interstate and Foreign Commerce does not have time to go into.

Mr. COCHRAN of Missouri. I want to say that my interest is only in protecting the people.

Mr. DENISON. I understand the gentleman's interest.

Mr. COCHRAN of Missouri. Numerous bills were passed for Mr. Elliott and his corporations before I made my statement on the floor. Since then bills have been introduced; two were on the Consent Calendar which were objected to by me, and I do not see them on the calendar to-day. I want to ask the gentleman if it is his purpose to call up the bills?

Mr. DENISON. To what bills does the gentleman refer?

Mr. COCHRAN of Missouri. One is in the name of E. M. Elliott & Associates, and the other in the name of the American Bridge & Ferry Co., which he controls. One is over the Mississippi River at St. Louis and the other is over the Missouri River between St. Louis and St. Charles Counties, in Missouri.

Mr. DENISON. May I ask the gentleman who introduced the bills?

Mr. COCHRAN of Missouri. My colleague, Mr. NIEDRINGHAUS, who had no knowledge at the time of the activities of Mr. Elliott.

Mr. DENISON. Let me say that as I understand it those bills have been objected to and are off the calendar.

Mr. COCHRAN of Missouri. Yes; but they can be put back.

Mr. DENISON. The Committee on Interstate and Foreign Commerce does not request bills to be put on the Consent Calendar after they have once been objected to. That is the business of the author of the bill. Sometimes the author may come and request some member of the committee to do it, but the members of the committee have no personal interest in these bills. The bills referred to will not get back on the Consent Calendar unless the gentleman from Missouri [Mr. NIEDRINGHAUS] requests the Clerk to put them on.

Mr. COCHRAN of Missouri. In view of the statement made by the gentleman from Illinois, and in view of the fact that there is a bill pending before the gentleman's committee now granting a franchise to Mr. Elliott or the American Bridge & Ferry Co., will the committee report that bill to the House if the department makes a favorable report?

Mr. DENISON. Mr. Speaker, I do not know the bill the gentleman has reference to.

Mr. KING. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFFER. I object.

Mr. HUGHES. Mr. Speaker, I hope the gentleman will not object.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes. I think I can settle this matter to-day.

Mr. DENISON. Mr. Speaker, I shall object to that at this time.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUGHES. Mr. Speaker, this bill has been passed by the Senate, and we expect to substitute the Senate bill for the House bill.

Mr. SCHAFER. Mr. Speaker, I withdraw the objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Senate bill be read in lieu of the House bill.

The SPEAKER pro tempore. Without objection the Clerk will read the Senate bill (S. 3558).

There was no objection, and the Clerk read as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the Point Pleasant Henderson Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Kanawha River, at a point suitable to the interests of navigation, at or near Point Pleasant, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 22, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of West Virginia, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Point Pleasant Henderson Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of West Virginia, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of West Virginia, shall, at any time, within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Point Pleasant Henderson Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Point Pleasant Henderson Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the word "Pleasant," insert the word "and."

Page 4, line 5, after the word "Pleasant," insert the word "and."

Page 4, line 21, after the word "Pleasant," insert the word "and."

Page 5, line 6, after the word "Pleasant," insert the word "and."

Mr. SCHAFER (when the Clerk had read section 1). Mr. Speaker, I move to strike out the last word in order to ask the gentleman from Illinois [Mr. DENISON] whether his committee holds hearings on these bridge bills, and whether those interested in obtaining these vested interests appear before the committee or the subcommittee so that the committee can develop the necessity for the bridges, and who are behind the bills?

Mr. DENISON. Mr. Speaker, whenever a bill of this kind is referred to the Committee on Interstate and Foreign Commerce, the committee refers it to the different departments of the Government for a report. If there is no objection presented to the committee by any Member of the House or anyone else, then the committee requires a statement to be filed by the author of the bill giving the committee certain information, if it is to be a privately constructed bridge. If the Member of the House who files the bill makes a satisfactory statement as to the facts about which he is asked for information, the committee puts the bill in proper shape to conform to the standard forms agreed upon by the committees of the House and Senate, and then reports the bill favorably. If anyone asks for a hearing, he is given one.

Mr. SCHAFER. If the committee has knowledge that the franchises are requested by speculators who have no intention themselves of constructing the bridge, but merely obtain the right to construct and sell out at a handsome profit to some other corporation, would the gentleman's committee favor continuing that practice?

Mr. DENISON. Not at all, if the committee had that information, but we do not have that information. We will be glad to have the gentleman from Wisconsin or anyone else give us any information of that kind.

The Clerk concluded the reading of the bill.

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill authorizing Point Pleasant and Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va."

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 11138) was laid on the table.

BRIDGE ACROSS OCMULGEE RIVER, GA.

The next business on the Consent Calendar was the bill (H. R. 11203) granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River between a point at or near lands owned by Duncan McLean in Coffee County and a point at or near the northern terminus of the present Jacksonville Ferry in Telfair County, said bridge to be at or near said ferry on a public road to be constructed from McRae in Telfair County to Broxton and Douglas in Coffee County.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River between a point at or near lands owned by Duncan McLean in Coffee County and a point at or near the northern terminus of the present Jacksonville Ferry in Telfair County, said bridge to be at or near said ferry on a public road to be constructed from McRae in Telfair County to Broxton and Douglas in Coffee County, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, after the word "Coffee" insert "State of Georgia".

Page 2, line 1, strike out "between a point at or near lands owned by Duncan McLean in Coffee County, and a point" and insert "at a point suitable to the interests of navigation", and in line 3, strike out "the northern terminus of" and in line 5 insert the word "Georgia" at the beginning of the line and strike out "said bridge to be at or near said ferry on a public road to be constructed from McRae in Telfair County to Broxton and Douglas in Coffee County."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville ferry in Telfair County, Georgia."

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER, N. DAK.

The next business on the Consent Calendar was the bill (H. R. 11212) authorizing Paul Leupp, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Stanton, N. Dak.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, I ask the gentleman from North Dakota whether to his knowledge the permittees granted in this bill have in the past received similar permission to build other bridges and have assigned such permits to others?

Mr. SINCLAIR. This bill is to permit the county officers of Mercer County to construct this bridge.

Mr. LA GUARDIA. That answers the question.

Mr. COCHRAN of Missouri. Mr. Speaker, reserving the right to object, I want to see if we can not settle this question. In view of the statements that the chairman of the committee knows I made on the floor of the House, in the event that a Member makes a favorable showing as to the necessity for a bridge will the committee report out a bill in which Mr. Elliott or any one of his corporations is to receive the consent of Congress to construct that bridge?

Mr. DENISON. Well, Mr. Speaker, in answer to that question, I can speak only for myself as a member of the committee. I can not express the views of the other members of the committee, but so far as I am concerned I do not have any personal information about the matter the gentleman has referred to. If a Member of this House, upon his responsibility as a Member of the House, files a bill asking Congress to consent to the building of a bridge in his district and he presents the proper evidence to the committee, which we require in all cases, so far as I am concerned I will approve the bill granting the consent of Congress to build the bridge. I have no prejudice against Mr. Elliott or anyone else, and if any Member of Congress on his responsibility asks to grant to him the privilege of building a bridge under those circumstances I shall have no objection.

Mr. LA GUARDIA. Concerning the gentleman's reference to Mr. Elliott, I wish to state that Mr. Elliott is not a proper person for this Congress to give consent to the building of a bridge on his personal assurance.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent that the Clerk may read this document from the United States Federal Court, which shows Eugene M. Elliott was indicted for defrauding the Government; and it is further stated in the indictment—

Mr. DENISON. Mr. Speaker, I object.

Mr. KING. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. The regular order is demanded. The Clerk will report the next bill.

BRIDGE ACROSS THE KANAWHA RIVER, W. VA.

The next business on the Consent Calendar was the bill (H. R. 11265) authorizing the Cabin Creek Kanawha Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Cabin Creek, W. Va.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MINN.

The next business on the Consent Calendar was the bill (H. R. 11267) authorizing the board of county commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

BRIDGE ACROSS THE KANAWHA RIVER, W. VA.

Mr. ENGLAND. Mr. Speaker, I do not know who it was who objected to the consideration of this bill; I mean the bill H. R. 11265. This bridge is to cross the Kanawha River at St. Albans. Local people are behind it.

Mr. SCHAFER. If we can not have information on the activities of a professional bridge speculator, who does not build bridges but speculates upon them, I am going to object to every such bill on this calendar.

The SPEAKER pro tempore. Is there objection to the consideration of the bill H. R. 11265?

Mr. SCHAFER. Mr. Speaker, I will withdraw my objection in the hope that we will have this evidence presented to the House in the near future.

Mr. ENGLAND. Mr. Speaker, I am with the gentleman on that.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent to return to Calendar No. 490, the bill H. R. 11265. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, I ask unanimous consent to proceed for just one minute.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. DYER. I want to say a word with reference to the matter referred to by my colleague, Mr. COCHRAN, concerning the bridge bill introduced by my colleague, Mr. NIEDRINGHAUS, containing the name of Mr. Elliott. Mr. NIEDRINGHAUS is not on the floor. I know from him that he does not know Mr. Elliott. I know that he never met him. He introduced this bill at the request of numerous constituents of his in St. Louis County and also probably of citizens in St. Charles County. I know many of them in St. Louis County expected him to introduce this bill. As I say, he does not know Mr. Elliott and knows nothing about him. I want it understood that whatever may be wrong in this bill, Mr. NIEDRINGHAUS, my colleague, is entirely blameless.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia that we return to the consideration of the bill H. R. 11265?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. COCHRAN of Missouri. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Cabin Creek Kanawha Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Kanawha River, at a point suitable to the interests of navigation, at or near Cabin Creek, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 25 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of

constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

Mr. COCHRAN of Missouri. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Missouri moves to strike out the last word. The gentleman is recognized for five minutes.

Mr. COCHRAN of Missouri. Mr. Speaker and gentlemen of the House, I have been objecting to the consideration of bills granting the consent of Congress to one Eugene M. Elliott and associates to build bridges. In my investigation I have discovered that Mr. Elliott had been convicted of defrauding the United States Government and that he was indicted in the District Court of the United States in and for the Southern District of Florida at the regular term, December, 1925, held at Jacksonville, Fla.

I hold in my hand a copy of the indictment, a copy of his plea of guilty, and a copy of the sentence imposed by the court. I ask unanimous consent that I be permitted to publish this in the RECORD as a part of my remarks. It is an official document and contains the seal of the court.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks by printing a document, reference to which he has just made. Is there objection?

There was no objection.

The document referred to follows:

In the District Court of the United States of America in and for the Southern District of Florida. Regular December term thereof, A. D. 1925, held at Jacksonville, Fla.

The grand jurors of the United States of America, duly impaneled, sworn, and charged to inquire within and for the southern district of Florida, upon their oaths present:

That on, to wit, the 13th day of April, 1923, at St. Petersburg, Fla., in the said southern district of Florida and within the jurisdiction of this court, Eugene M. Elliott, then and there having been duly sworn and having taken an oath before E. Richard Hall, a competent officer, to wit, a notary public of the State of Florida, whose commission expired January 13, 1924, and said E. Richard Hall being then and there duly authorized to take said oath, that said defendant, Eugene M. Elliott having been sworn as aforesaid, did swear that the statements in the income-tax return of said defendant for the calendar year 1922 on Form 1040 of the United States Internal Revenue, had been examined by him and to the best of his knowledge and belief was a true and complete return made in good faith for the taxable period as stated, pursuant to the revenue act of 1921 and regulations issued under the authority thereof, and did subscribe said affidavit, having been duly sworn as aforesaid, did willfully, knowingly, unlawfully, and feloniously and, contrary to such oath, state and subscribe a certain material matter, to wit, that his total income was \$13,208.15, which said statement the said defendant then and there did not believe to be true and knew to be untrue in that the true and correct compensation of said Eugene M. Elliott, from the Gandy Bridge Co., of St. Petersburg, Fla., for said calendar year 1922, was \$59,404.55, on which there was due to the Government a tax in the amount of \$11,667.59, and not \$415.48, and that said oath as aforesaid was administered in a case in which a law of the United States authorized an oath to be administered, to wit, that said oath was taken to an individual income-tax return on Form 1040, United States Internal Revenue, as provided in and by the provisions of the revenue act of November 23, 1921.

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

SECOND COUNT

And the grand jurors aforesaid upon their oaths aforesaid do further present:

That on, to wit, the 15th day of March, 1924, at St. Petersburg, Fla., in the said southern district and in the internal-revenue collection district of Florida and within the jurisdiction of this court, Eugene M. Elliott was an individual who was then and there required by law to make to the collector of internal revenue for said collection district, under oath, a return stating specifically the items of his gross income and the deductions and credits allowed under Title II (income tax) of the act of Congress approved November 23, 1921, and entitled, "An act to reduce and equalize taxation, to provide revenue, and for other purposes," by reason of the fact, which said grand jurors, upon their said oath, charge to be the fact, that during the calendar year 1923, he, the said Eugene M. Elliott, had a net income in a large amount, to wit, in the total sum of \$206,326.74, arising from business (not including income from partnerships), said amount being paid to the said Eugene M. Elliott as compensation by the Gandy Bridge Co., of St. Petersburg, Fla., upon which said income of said Eugene M. Elliott an income tax under said act of Congress then and there became

due to the United States from said Eugene M. Elliott, in the total sum of \$90,545.51, one-fourth of which at least should then and there have been paid by said Eugene M. Elliott to said collector of internal revenue; and that said Eugene M. Elliott, on March 15, 1924, at St. Petersburg, Fla., in said southern district of Florida, then and there so being indebted to the United States on account of said tax in this count mentioned, imposed by said title of said act of Congress, unlawfully, willfully, and knowingly did refuse and fail to make the required return, in this count of this indictment above referred to, or any return whatever to the said collector of internal revenue in respect to his said income for said calendar year 1923.

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

WM. M. GOBER,
United States Attorney.

Indorsed: A true bill.

G. D. ACKERLY,
Foreman Grand Jury.

Filed December 11, 1925.

EDWIN R. WILLIAMS, Clerk.

Bond fixed at \$2,500.

RHYDON M. CALL, Judge.

United States District Court, Southern District of Florida

United States of America v. Eugene M. Elliott, via perjury

Comes now Wm. M. Gober, United States attorney who prosecutes for the United States of America, comes also the defendant herein in his own proper person, and upon being arraigned in open court to the indictment heretofore filed herein, enters a plea of guilty as to the second count of said indictment.

Said defendant is now asked in open court if he had anything to say why the sentence of the law should not be passed upon him and saying nothing sufficient, it is considered by the court that the United States of America do have and recover of and from you, Eugene M. Elliott, defendant herein, the sum of \$500 as fine imposed herein, including costs.

On motion of the United States attorney, it is ordered that the first count of the indictment herein be, and the same hereby is, dismissed.

In the United States District Court for the Southern District of Florida
UNITED STATES OF AMERICA,

Southern District of Florida:

I, Edwin R. Williams, clerk of the United States District Court in and for the Southern District of Florida and as such the legal custodian of the records and files of said court, do hereby certify that the foregoing is a true and correct copy of the indictment, plea, and sentence in the case of United States of America v. Eugene M. Elliott as the same appears from the records and files of said court.

In witness whereof I hereunto set my hand and affix the official seal of said court this 31st day of March, A. D. 1928.

[SEAL.]

EDWIN R. WILLIAMS,
Clerk United States District Court,
Southern District of Florida.

UNITED STATES OF AMERICA,

Southern District of Florida:

I, Lake Jones, one of the judges of the District Court of the United States for the Southern District of Florida, do hereby certify that Edwin R. Williams, whose name is subscribed to the preceding exemplification, is the clerk of the said district court, duly appointed and sworn, and that full faith and credit are due to his official acts. I further certify that the seal affixed to the said exemplification is the seal of the said district court, and that the attestation thereof is in due form of law.

Dated at Jacksonville, Fla., this 31st day of March, A. D. 1928.

LAKE JONES,
United States District Judge.

UNITED STATES OF AMERICA,

Southern District of Florida, ss:

I, Edwin R. Williams, clerk of the District Court of the United States for the Southern District of Florida, do hereby certify that Hon. Lake Jones, whose name is subscribed to the preceding certificate, is one of the judges of the District Court of the United States for the Southern District of Florida, duly appointed and sworn, and that the signature of said judge to said certificate is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court at the city of Jacksonville, in the southern district of Florida, this 31st day of March, A. D. 1928.

[SEAL.]

EDWIN R. WILLIAMS,
Clerk United States District Court,
Southern District of Florida.

Mr. COCHRAN of Missouri. I desire to read the second count of this indictment for the benefit of the members present, to which count Mr. Elliott entered a plea of guilty.

Mr. COCHRAN read the second count.

Mr. KING. Mr. Speaker, I desire, in the interest of time saving, to make the point of order that the gentleman is not talking to his amendment, which was to strike out the last word.

The SPEAKER pro tempore. Does the gentleman from Missouri desire to be heard on the point of order?

Mr. COCHRAN of Missouri. No; it would be useless. I do not care to discuss the point of order.

Mr. KING. Mr. Speaker, I withdraw my point of order.

Mr. COCHRAN of Missouri. I have received the consent of the House to print the transcript of the court record and I now ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The pro forma amendment was withdrawn.

Mr. COCHRAN of Missouri. Mr. Speaker, I regret I found it necessary to bring this indictment to the attention of the Members in this way, but failing to secure an agreement that the committee would not report bills in the future where the consent to construct a bridge was given to Eugene M. Elliott and associates or a corporation in which he is interested I feel it is my duty to Members who might be requested to introduce a bill. Mr. Elliott is operating all over the country. He has been active in Florida, Illinois, Indiana, Ohio, Kentucky, Missouri, and at the present time I am objecting to a bill of his for a bridge in my own city, St. Louis, and another in St. Louis County which adjoins St. Louis. I want it distinctly understood that Members who introduced bills where Mr. Elliott secured consent to construct bridges either in his own name or in the name of a corporation which he controlled or in the name of individuals who agreed in advance to assign the franchise to him, should not be subject to any criticism because at the time they introduced the bills the information I placed before the House was not available to them. For instance, my colleague, Mr. NIEDRINGHAUS, whose district adjoins mine, was asked to introduce two bills. The requests came from the county court of St. Louis County, from the Carondelet Improvement Association which is in the vicinity of one location, and he also received petitions from numerous citizens of both communities to introduce the bills. This was long prior to the time I made my first statement concerning the activities of Mr. Elliott. He followed the same procedure I would have followed myself had I been requested to introduce bills, in the absence of any information whatsoever that the promoters were not proper persons to finance and construct a bridge.

Further, I want it distinctly understood I have no personal grudge against Mr. Elliott. I do not know him, have never met the man. I have received some telegrams from him and one letter. In that letter of March 22, which was in reply to a communication I addressed him on March 14, he said, in part:

The situation is one I think requires a man to man talk straight across the table and therefore I think I had best wait until I go to Washington.

I immediately replied I would not deny him an interview if he called at my office, but added that unless he could show me that the information I had that he entered a plea of guilty to an indictment in the United States court at Jacksonville, Fla., in which he was accused of defrauding the United States Government in connection with an income-tax return and was fined \$500, was false, under no consideration would I agree to withdraw my opposition to bridge bills which granted either Mr. Elliott or a corporation in which he was interested the right to construct a bridge.

Now, Mr. Speaker, I fully realize bridges must be built, but I contend that when the States are not in a position to construct the bridge, then we should have assurance that some responsible person or corporation will construct the bridge and does not apply for a franchise solely for the purpose of assigning it for his financial benefit and who has no idea of being interested in the structure other than from the standpoint of selling the franchise. When I receive proper assurance from Members that public-spirited citizens of a community apply for the franchise or that the corporation applying proposes to build the bridge is responsible and will actually construct the bridge I shall not object.

I feel I have convinced the Members to-day Mr. Elliott should not receive any additional franchises.

It is well known to the Members I am interested in seeing some amendment worked out where a limitation will be placed upon the amount of bonds and other securities that can be issued in connection with a bridge project. I offered an amendment and forced a roll call on my amendment some weeks ago, but the House did not approve of my proposal.

At that time Members expressed the thought it was unwise to ask the Secretary of War to arrive at a cost of construction prior to the building of the bridge. I contended if it could be done after the bridge is built that it could be done prior to start of construction. Under the recapture clause the Secretary of War must arrive at a cost value if requested to do so by the State, county, or city after the bridge is built.

Recently during the debate on the bill which provided for additional employees for the Water Power Commission, the gentleman from Nevada [Mr. ARENTZ], in answer to a question of the gentleman from Alabama [Mr. McDUFFIE], made the following statement which appears in the RECORD, page 5069, of March 20, 1928:

Mr. ARENTZ. An individual or a corporation comes to Washington and applies for a license to the Federal Power Commission. He must present to the Federal Power Commission a statement as to the kind of dam he is going to construct, whether or not he has had soundings made on that site, how long and how high the dam is to be, what is to be the cost, where the power plants are to be erected, and how much they will cost, where he is going to run his transmission lines, and how much it will cost, and approximately what the rates will be; and the men in the field must go over these matters item by item, and the men in the office must correlate these facts, and then, on the basis of that, a license is given to the individual or corporation and issued by the Federal Power Commission.

Mr. McDUFFIE. So I understand, but is not all of that field work done through the Corps of Engineers?

Mr. ARENTZ. Up to this time.

Mr. McDUFFIE. And it is through the Corps of Engineers that the data is secured to which the gentleman has just referred?

Mr. ARENTZ. Up to this time I must admit that they pick from the Geological Survey an expert on geology and things of that sort; they pick a man from the War Department who knows something about the figures in connection with the construction of dams, and they pick a man from the Interior Department who knows something about water rights to determine whether or not the State has given a permit to this man or this corporation to construct a dam or for the use of that water within the State, because the Federal Power Commission is subordinate to the rights of a State in every case.

The gentleman from Nevada, I understand, is very well informed on the work of the Water Power Commission, and as no one challenged his statement, I accept it as the policy of the commission.

You will note he states the Water Power Commission arrives at the cost of the dam, and so forth, before the license is issued, and furthermore this is in connection with a project where he says the Federal Power Commission which acts for the Government is subordinate to the rights of a State in every case.

Now, I have contended and still contend the State can not object when Congress once says a bridge can be built. You will recall in the last session of the Sixty-ninth Congress the Representatives from the State of Oregon opposed on the floor the construction of a bridge over the Columbia River at Longview, Wash., while the Representatives of the State of Washington advocated its passage. The consent of Congress was finally granted. Since then the State of Oregon, through its highway commission, has been trying to find a way to prevent the construction of this bridge. I have been informed the attorney for the highway commission of Oregon contended in an opinion that the act of Congress consenting to the construction of the bridge was not an expression of the plenary power of Congress but was a consent only, leaving the beneficiaries of the act, or the permittees, subject to the reasonable regulation of the States affected by the construction of the new bridge. Other attorneys took the opposite view. Then the city of Portland and others interested employed Hon. John W. Davis to pass upon the act, and an article in the Portland Oregonian printed last week states Mr. Davis has submitted his opinion, and while the opinion was not printed, the article did say the State authorities can do nothing to prevent the construction of the bridge. Therefore, if Congress grants its consent, I take it that it is not necessary to receive permission from a city, county, or State to proceed with the construction of the bridge. In other words, the Government is in complete control.

Now, if the Water Power Commission can operate, as the gentleman from Nevada [Mr. ARENTZ] says the commission does, why is it unreasonable to ask the engineers of the Army to determine the cost of a bridge before construction, especially

when it is pointed out the engineers of the Army assigned to the Water Power Commission are the ones that determine the cost of dams, and so forth. If it can be done by the Water Power Commission, which is subordinate to the rights of a State, certainly it can be done in the case of a bridge when it is admitted the State has no right to interfere after Congress grants the franchise.

I am pleased to be able to advise the House that an effort will be made at the November election to pass an amendment to the constitution of Missouri, which will provide for a bond issue of \$75,000,000 for good roads, and in the amendment it will be provided the highway commission will be given the right to construct bridges. I sincerely hope the amendment will be passed, and I feel it will pass, and that provisions will be made for the construction of all necessary bridges in the State.

Some years ago in Missouri an amendment was adopted providing for a \$60,000,000 bond issue for good roads. That \$60,000,000, together with the Federal aid of \$30,000,000, will probably be exhausted this year, and I am informed that before the last bond has been sold the first bond issue will be re-deemed. The money collected from the gasoline tax and automobile licenses is used entirely to pay interest, retire the bonds, and maintain the roads. I am further informed that it will be possible to guarantee to the people of my State there will be no increases in taxes of any kind, but that the gasoline tax and automobile license tax is sufficient to pay the interest as well as maintain the roads and create a sinking fund for the retirement of the bonds.

The Clerk continued the reading of the bill, as follows:

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of West Virginia or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financial cost, as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Cabin Creek Kanawha Bridge Co., its successors and assigns shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of West Virginia, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of West Virginia, shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Cabin Creek Kanawha Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Cabin Creek Kanawha Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 8, strike out the words "with in" and insert the word "within."

In line 16, strike out "twenty-five" and insert "twenty."

On page 3, line 15, strike out "financial" and insert "financing."

In line 16, strike out "thirty" and insert "twenty."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WAR FINANCE CORPORATION

Mr. McFADDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12245) to amend the War Finance Corporation act, approved April 5, 1918, as amended, which I send to the Clerk's desk and ask to have read.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass House bill 12245, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities; and for other purposes," approved April 5, 1918, as amended, be, and the same hereby is, amended so as to extend for one year the period specified in section 1 of said act during which the War Finance Corporation shall have succession; and the expiration of the period of 10 years specified in said section 1 shall not be construed to affect any right or privilege accrued, any penalty or liability incurred, or any civil or criminal proceeding commenced, or to diminish any authority conferred on any official necessary to enable him to carry out the duties remaining to be performed by him under said act.

The SPEAKER. Is a second demanded?

Mr. WINGO. Mr. Speaker, I demand a second.

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent that a second may be considered as having been ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ARENTZ. Mr. Speaker, may I direct attention to the fact that you can not get a copy of the bill. The House ought to be shown the courtesy at least of being notified that a bill of this nature is going to be brought up.

Mr. WINGO. Will the gentleman permit me to make a statement?

Mr. ARENTZ. Yes.

Mr. WINGO. I will state that it is brought up out of order on my account, as I am ill and want to leave early. This bill has the unanimous report of the committee, and all on earth it does is to extend the life of the War Finance Corporation for 12 months for liquidating purposes. That is all. We went into it thoroughly for two days, and that is all on earth the bill does. It is necessary from the standpoint of the Government and from the standpoint of the few remaining claims they have against cattlemen and a few country banks.

Mr. LaGUARDIA. Is the bill limited to liquidation during the next 12 months?

Mr. WINGO. It limits it absolutely. They can not do anything but collect past due bills. That is all on earth the bill does.

Mr. ARENTZ. I want to say to the gentleman I am in entire sympathy with the purpose of the bill. It is simply the manner in which it was brought up that I am objecting to.

Mr. WINGO. I will state to the gentleman I am responsible for that. I have not been well for two or three days and I came up to the House to-day solely to help pass this bill, and the Speaker very kindly consented to recognize us at this time.

Mr. CHINDBLOM. Mr. Speaker, on the general question of procedure I would like to say just this word. Suspension day has been provided by the rules of the House for the purpose of taking care of emergency legislation, and every Member of the House has notice that upon that day matters may come up about which there is no previous notice. As a matter of fact, under suspension there does not have to be a bill introduced, there does not have to be any report of the committee; all you need to do is to move to suspend the rules and pass that which you present to the House at that very moment.

Mr. LaGUARDIA. And in the past that has been done very often.

Mr. CHINDBLOM. I do not think any criticism should be leveled at the procedure.

Mr. ARENTZ. The natural procedure then, I will say to the gentleman from Illinois, would be for the personnel of the House to be advised of such fact through notice on the

calendar and have the bills here so that a person can get a copy of the bill if he wants to.

Mr. CHINDBLOM. Of course, it is desirable that that be done, but I do not think the procedure is subject to any criticism.

Mr. KING. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. KING. The bill is on the Union Calendar and has been on the calendar for some time.

Mr. McFADDEN. Yes.

Mr. WINGO. If the gentleman will yield further, as a matter of fact, there is this emergency. This power, we find, will expire on April 4. This bill ought to be passed and go to the Senate this afternoon so that it can be passed, signed, and become the law before April 4 in order to protect the rights of the Government in these claims.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS THE MISSOURI RIVER NEAR STANTON, N. DAK.

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 11212) authorizing Paul Leupp, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Stanton, N. Dak.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, Paul Leupp, his heirs, legal representatives, or assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near a point on the westerly bank of the Missouri River, at or near the village of Stanton, Mercer County, N. Dak., over and across the Missouri River in an easterly direction to land on the easterly bank thereof in McLean County, N. Dak., opposite or approximately so from Stanton, Mercer County, N. Dak., to be selected by the said Paul Leupp, his heirs, legal representatives, or assigns, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of North Dakota, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of North Dakota, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are charged for the use thereof the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing costs, as soon as possible under reasonable charges but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount neces-

sary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. Paul Leupp, his heirs, legal representatives, or assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of North Dakota a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and, at the request of the Highway Department of the State of North Dakota shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Paul Leupp, his heirs, legal representatives, or assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Paul Leupp, his heirs, legal representatives, or assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, strike out line 9; page 2, line 1, strike out the word "near" and all of lines 2, 3, 4, 5, and line 6, down to the word "in"; page 2, line 18, after the word "condemnation," insert the words "or expropriation"; page 3, line 8, strike out the word "interest" and insert the word "interests."

Page 3, line 14, after the word "are," insert the word "thereafter."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE MISSISSIPPI RIVER IN ITASCA COUNTY, MINN.

The next business on the Consent Calendar was the bill (H. R. 11267) authorizing the board of county commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes the board of commissioners of Itasca County, Minn., be, and is hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, at or near the north line of section 35, township 144 north, range 25 west, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the board of county commissioners of Itasca County, Minn., all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the consent of Congress is hereby granted to the board of county commissioners of Itasca County, Minn., to construct, maintain,

and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near the north line of section 35, township 144 north, range 25 west, on the road between the villages of Cohasset and Deer River, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

BRIDGE ACROSS KANAWHA RIVER AT ST. ALBANS, W. VA.

The next business on the Consent Calendar was the bill (H. R. 11266) authorizing the Nitro Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes the Nitro Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Kanawha River at a point suitable to the interests of navigation at or near St. Albans, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 25 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of West Virginia, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financial cost, as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Nitro Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of West Virginia, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of West Virginia, shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the

reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Nitro Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Nitro Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the word "the," insert the words "St. Albans"; page 2, line 1, after the word "Albans," insert the words "Kanawha County, W. Va."; page 2, line 17, strike out the words "twenty-five" and insert the word "twenty"; page 3, line 15, strike out the word "financial" and insert the word "financing"; page 3, line 16, strike out the word "thirty" and insert the word "twenty"; page 4, line 4, after the word "the," insert the words "St. Albans"; page 4, line 19, after the word "said," insert the words "St. Albans"; page 5, line 5, after the word "the," insert the words "St. Albans."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

BRIDGE ACROSS THE OHIO RIVER NEAR ROCKPORT, IND.

The next business on the Consent Calendar was the bill (H. R. 11356) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Rockport, Ind.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the State of Indiana, acting by and through its State highway commission and the successors of said commission, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, at or near the city of Rockport, Ind., across said river to a point opposite in Daviess County, Ky., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the State of Indiana, acting by and through its State highway commission, and the successors of said commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The State of Indiana, acting by and through its State highway commission and the successors of said commission, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches, under economical management, and to provide a sinking fund sufficient to amortize such bonds or other securities as may be legally issued by said State for the cost of such bridge and its approaches, with reasonable financing charges and redemption provisions, as soon as possible under reasonable tolls, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund, including the earnings thereof from investment or otherwise, sufficient for such amortization shall have been provided, such

bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 3, line 12, strike out the word "tolls" and insert the word "charges"; and on page 3, line 23, after the word "of," insert the word "the."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE OHIO RIVER AT EVANSVILLE, IND.

The next business on the Consent Calendar was the bill (H. R. 11357) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LA GUARDIA. Mr. Speaker, I ask unanimous consent this bill be passed without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

BRIDGE ACROSS THE RED RIVER OF THE NORTH AT FARGO, N. DAK.

The next business on the Consent Calendar was the bill (H. R. 11473) granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North at Fargo, N. Dak.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the States of North Dakota and Minnesota to construct, maintain, and operate a free highway bridge across the Red River of the North at a point suitable to the interests of navigation between Fargo, N. Dak., and Moorhead, Minn., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. BURTNESS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTNESS: Line 3, page 1, strike out the word "States" and the first five words of line 4, including the word "Minnesota," and insert in lieu thereof the following: "State of North Dakota, the State of Minnesota, the county of Cass, N. Dak., the county of Clay, Minn., the city of Fargo, N. Dak., and the city of Moorhead, Minn., or to any one or more of them."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE RIO GRANDE RIVER AT WESLACO, TEX.

The next business on the Consent Calendar was the bill (H. R. 11578) authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes, the B & P Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near Weslaco, Tex., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, sub-

ject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in Mexico.

SEC. 2. There is hereby conferred upon B & P Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Texas needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Texas, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said B & P Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of Texas applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1926.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the B & P Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS WHITE RIVER AT COTTER, ARK.

The next business on the Consent Calendar was the bill (H. R. 11583) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at Cotter, Ark.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge and approaches thereto across White River at a point suitable to the interest of navigation at Cotter, Ark., and within one-half mile below the Missouri Pacific Railway Co.'s bridge across such river at such point, in the counties of Baxter and Marion, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That if tolls are charged for the use of such bridge constructed under the authority of this act, the State Highway Commission of Arkansas may so adjust the rate of toll to be charged as to produce sufficient revenue to maintain, operate, and repair the bridge and repay the original cost of construction of the same, including any interest paid on borrowed money and discounts necessarily required in financing such original construction, and shall, after the repayment thereof, operate such bridge as a free bridge: *Provided,* That no bonds shall be issued for the building of said bridge that will mature more than 25 years from the date of said bonds.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Strike out all after the enacting clause and insert the following in lieu thereof:

"That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge and approaches thereto across White River, at a point suitable to the interests of navigation, at or near Cotter, Ark., in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation

of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

"SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. DENISON. Mr. Speaker, I offer the following amendment to the committee amendment:

Mr. DENISON moves to amend the committee amendment by striking out section 2 and inserting the following in lieu thereof:

"SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient (1) to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches; (2) the interest on borrowed money necessarily required and financing charges necessarily incurred in connection with the construction of the bridge and its approaches; and (3) to provide a sinking fund sufficient to retire the bonds issued and sold in connection with such original construction. All revenue received from the bridge shall be applied to the foregoing purposes, and no bonds issued in connection with the construction of the bridge and its approaches shall be made to mature later than 20 years after the date of issue thereof.

"After a fund sufficient to retire such bonds in accordance with their provisions shall have been so provided, the bridge shall thereafter be maintained and operated as a free highway bridge, upon which no tolls shall be charged. An accurate and itemized record of the original cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, the interest charges paid, and the tolls charged and the daily revenues received from the bridge shall be kept by the State Highway Commission of Arkansas, and shall be available at all reasonable times for the information of all persons interested."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT GLASGOW, MONT.

The next business on the Consent Calendar was the bill (H. R. 11625) to amend the act of February 16, 1928, entitled "An act granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River, at or near Glasgow, Mont."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont.," approved February 16, 1928, be amended to read as follows:

"That the consent of Congress is hereby granted to the State of Montana, Valley County, Mont., and Garfield County, Mont., or to any or either of them jointly or severally, to construct, maintain, and operate a free bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Glasgow, Mont., in township 25 north, range 40 east of the Montana principal meridian, in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

Amend the title so as to read: "An act granting the consent of Congress to the State of Montana, Valley County, Mont., and Garfield County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont."

A motion to reconsider was laid on the table.

BRIDGE ACROSS PEARL RIVER, RANKIN COUNTY, MISS.

The next business on the Consent Calendar was the bill (S. 3119) to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the Pearl River Valley Lumber Co. is hereby authorized to construct a temporary railroad bridge connecting its timber holdings and its lands and timber across Pearl River at a point between or near sections 33 and 34, township 8 north, range 3 east, in Madison County, Miss., and sections 3 and 4, township 7 north, range 3 east, in Rankin County, Miss., and between Madison County and Rankin County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 4, after the figures "1906," strike out the period, insert a comma and the words: "Provided, That if the bridge authorized by this act shall at any time be abandoned and no longer used for railroad purposes, the same shall be removed from the river by the Pearl River Valley Lumber Co. or its assigns at its or their own expense.

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER AT NIOBRARA, NEBR.

The next business on the Consent Calendar was the bill (S. 2827) granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to proceed for five minutes. This is the last bridge bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, I do this in order to explain to the House the procedure in reference to these bridge bills in view of the colloquy which took place on the floor a while ago. When these bridge bills are introduced by Members, of course they are referred to the Committee on Interstate and Foreign Commerce. That committee has to act, or at least it feels that it is its duty to act. The bills are referred by the committee to the War Department and to the Bureau of Roads of the Agricultural Department. When reports are received from those two departments the bills are referred by the committee to the subcommittee on bridges, and the subcommittee gives them consideration. If any person files with the committee any objection to a bill, the objection is considered by the committee. If any person files any objection to the bill and asks to be heard, the committee always grants him a hearing. If any Member of the House asks the committee to be heard on the bill, we always give him an opportunity to be heard. So that if there is any objection made known to the committee to any of these bills the committee investigates the matter, and we give the person objecting an opportunity to be heard.

The gentleman from Missouri [Mr. COCHRAN] has some personal feeling against the man named Elliott, who has obtained franchises to build some bridges heretofore it seems. So far as I am concerned, I am very glad to have the gentleman from Missouri put into the Record in connection with his remarks anything that he has to say against Mr. Elliott; and if any Member of the House has any objection to any person or company who is asking for permission to build a bridge, our committee would be very glad to have those objections presented to the committee. We will give any objections full and careful consideration. If they are meritorious, I have no doubt that the committee will refuse to report the bill favorably. But if the committee does not think them meritorious, then the committee will report the bill; and it is the privilege of any Member of the House, when these bills are called up on this calendar, to object. The Member does not have to state his reasons if he does not want to do so. Therefore it is not necessary on consent day to take up time of the House and delay the consideration of other important bills by getting into long arguments about certain individuals.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. LAGUARDIA. In view of the suggestion made by the gentleman from Illinois, would it not be well for the committee to direct some inquiry concerning the permittees mentioned in the bills? Surely that is not an unreasonable thing. This House

has confidence in the gentleman's committee. If there is just one statement in the report that the permittees have been investigated and that they are bona fide and that they intend to proceed with the construction of the bridge, that is all that would be necessary.

Mr. DENISON. Does not the gentleman think that is the duty of the Member who introduces the bill? If I introduce a bill, I am sure I will know something about the person who is asking for the franchise, and if he is not a proper person I shall not introduce the bill. That responsibility rests with the Member who introduces the bill. Our committee respects the Members who introduce bridge bills. We ask them to give us certain information, and when they do so we accept the information the Member gives us.

Mr. LAGUARDIA. And when one of us directs an inquiry to the Member who introduces the bill, then the gentleman should not take that as an affront to his committee.

Mr. DENISON. I am sure I did not do so, and I am sure I do not want the gentleman from New York to think that there is anyone on the committee who takes an inquiry of that kind as an affront at all.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. DYER. The gentleman in his remarks referred to my colleague from Missouri [Mr. COCHRAN] as having some personal feeling against a man named Elliott. I am sure the gentleman from Illinois does not wish that statement to stand, because I feel sure that my colleague [Mr. COCHRAN] does not know Mr. Elliott and has never met him; but he has learned that he has been peddling these permits about. For that reason and because of the facts that he has adduced here he believe it is his duty—and I am sure that he is doing his duty—to bring the information to the attention of the House.

Mr. DENISON. I have no complaint to make about the gentleman. I assumed that he had some personal feeling, but if he has not, then let me say this: The statement is often made here about certain parties who are "peddling" these permits. I have never heard of that being done. Nobody in this country is justified in paying one dollar for a bridge franchise, because anyone who wants to can come to our committee and get one for nothing. We grant no monopolies. We grant no exclusive rights to build these bridges. Whenever anyone wants the right to build a bridge across a river, if he can get a Member of Congress to introduce a bill for him and vouch for him as a Member ought to do, our committee will grant that person a right to build a bridge, and it will not cost him a cent.

Mr. DOWELL. The gentleman well knows that after a franchise has been granted to one person or individual or corporation, that another one can not secure a franchise for the same place.

Mr. DENISON. The gentleman is entirely wrong. The fact is exactly the contrary.

Mr. DOWELL. But as the practical proposition, the gentleman knows it would not work.

Mr. DENISON. I do not. The gentleman from Iowa can state what he knows, but he can not state what I know. I know the contrary is true.

Mr. DOWELL. It may be a certain case where a contest is on, but when a franchise is granted to one firm to place a bridge in a certain place, another franchise will not be asked for, and there will be no competition in that case. If it is true that certain companies are asking for permits for different localities with the idea of securing proper locations in order that they may build bridges, it seems to me your committee ought to stop the speculation in the franchises.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DENISON] may have five additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DENISON. Mr. Speaker, I want to complete my statement so that there may be no misunderstanding about this. At this session of Congress we have granted in a number of instances the right to build bridges in the same place to two parties. That is the rule of the committee. I would like to discuss that at some length and give the reasons for it. I have explained that on the floor heretofore. We do not grant an exclusive right at any locality because we do not want persons to place a value on these franchises and then speculate in them. If anyone wants a franchise to build a bridge in a certain locality and anyone else wants to build a bridge there and comes here to get the right to do so, he can get it without its costing him 1 cent.

Mr. LAGUARDIA. But the gentleman's statement is not generally understood throughout the country. There have been cases where men have secured franchises for building bridges and have been peddling them out.

Mr. BURTNESS. Has the gentleman from Illinois any information as to people securing franchises to build bridges and then peddling out the franchises?

Mr. DENISON. Nothing of the kind has ever been brought to our attention. If any Member of the House has any information as to persons who do that, or have done that, and that any such person comes before our committee asking to be granted a franchise, we would be glad to hear from him.

Mr. LAGUARDIA. I have a telegram here from J. G. White & Co. (Inc.) addressed to the St. Louis Post-Dispatch under date of March 1, in which they say:

In re article appearing in your issue of February 22 under head "Bridge promoter fosters schemes for 33 projects," which has just come to our attention. E. M. Elliott and E. M. Elliott & Associates (Inc.) are promoters who have attempted to interest us in various bridge projects, several of which we have under consideration. For any projects which we accept we have agreed to pay a promoter's fee, but beyond that E. M. Elliott and E. M. Elliott & Associates have no relation whatsoever to our company or to J. G. White Engineering Corporation, and are not our agents, or in any way authorized to act or speak for us. Furthermore, they have no voice whatever in any matter relating to construction or financing of any bridge project which we may acquire from them. We feel your article above mentioned inaccurately states our position and hence gives us undesirable publicity. For example, our engineers' report on Olive Street and Carondelet bridge projects are unsatisfactory and we have no present intention of financing construction of these bridges nor have any franchises for same been acquired by us. Therefore request that you please publish substance of this telegram and in such way as to correct erroneous impression created by your article.

J. G. WHITE & CO. (INC.).

Mr. DENISON. Well, J. G. White & Co. are bankers.

Mr. LAGUARDIA. Yes. This fellow gets a permit and then disposes of it, and gets out from under.

Mr. DENISON. The gentleman is wrong. He has to get the money necessary from the bankers. These men who build bridges may not have the money themselves.

Mr. LAGUARDIA. Then this man gets another permit, and gets out from under that.

Mr. DENISON. These bridge franchise bills are filed, and, of course, all Members have notice of them. We ask the gentleman from Iowa or any other Member to come before us and show us that the committee ought not to report any bill.

Mr. LAGUARDIA. We have such confidence in the committee that they can do that—

Mr. DENISON. We can not do it unless we have the information.

Mr. BURTNESS. I agree thoroughly with the gentleman from Iowa [Mr. DOWELL] in what he suggested. He stated that if there was speculation in these franchises it ought to be stopped. I for one have never heard of such speculation, and as one member of the committee I want to say that if such speculation is suspected I would be glad to have information from anyone who can tell about the peddling of these franchises for a consideration. Of course, everyone will understand that when a man gets a franchise he will go to the banker and interest him in the building of the structure, but he is not to be considered as selling the franchise for a consideration.

Mr. LAGUARDIA. I have already read you what the J. G. White Co. had to say.

The SPEAKER pro tempore. The time of the gentleman from Illinois has again expired. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

IMPROPER PRACTICE BEFORE THE PATENT OFFICE

The next business on the Consent Calendar was the bill (H. R. 5527) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I want to call the attention of the gentleman from Michigan [Mr. CRAMTON] to page 2, line 11, where the language appears "to habitually aid or assist." If you are going to use the word "habitually"—well, we will not fight about that, but I believe if you made the burden of proof too difficult, although I do not think that was the intention, it would not be expedient.

Perhaps you intended just to use the words "aid or assist." If you do that I think you will achieve the purpose you seek.

Mr. CRAMTON. I think that the word "habitually" carries out the idea of—

Mr. LaGUARDIA. Constant?

Mr. CRAMTON. Repeated practice; whereas to insist on one case would not be sufficient.

Mr. LaGUARDIA. As a matter of practice you are assuming a burden of proof that will be very difficult to establish.

Then I have another suggestion. On line 18, you say:

This section shall not apply to clerks or others supervised by persons duly admitted to practice before the United States Patent Office.

The practice at this bar and others is that when a lawyer is debarred he unites with another lawyer, perhaps, in the capacity of a clerk, and then his work is as vicious as before. You should prevent a disbarred lawyer from being taken in as a clerk.

Mr. SCHAFER. Mr. Speaker, I object to this bill. This is too important a bill to have on the Consent Calendar.

CHIPPEWA INDIANS OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 7463) amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 8 of the act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926 (44 Stat. L., 555), be, and the same is hereby, amended to read as follows:

"Sec. 8. All actual and necessary expenses incurred by the attorney or attorneys so employed to represent the Chippewa Indians of Minnesota, including court costs, bills for printing required by law or court rules, the cruising and examination of lands and timber, the auditing and tabulation of accounts, travel and subsistence of said attorneys and their employees while engaged solely in the preparation or prosecution of said suit or suits, securing and taking evidence deemed material therein, the compensation of stenographers and such clerical assistance as shall be reasonably employed solely upon work in connection therewith, fees or commissions of notaries public or commissioners, and any other expense reasonably necessary for the preparation for trial or prosecution of any such suit or suits, shall be paid by the Secretary of the Interior from time to time, as they accrue, out of the funds standing to the credit of said Indians in the Treasury of the United States upon verified accounts submitted in such form as may be required by the Secretary of the Interior: *Provided*, That no payment shall be allowed hereunder for expense incurred for compensation to other attorneys for rendering service as attorneys in assisting in said suits, nor for any item of so-called overhead, office, or other expense not solely and exclusively incurred for or on account of such suit or suits: *And provided further*, That before the attorneys are authorized to incur any expense in excess of \$500 for any purpose they shall first secure the approval of the Secretary of the Interior."

With the following committee amendments:

Page 2, line 23, strike out "\$500" and insert "\$200."

Page 2, line 24, after the word "the," insert the words "Commissioner of Indian Affairs and the."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CROW RESERVATION, MONT.

The next business on the Consent Calendar was the bill (H. R. 11478) to amend an act to allot lands to children on the Crow Reservation, Mont.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of an act entitled "An act to allot lands to living children on the Crow Reservation, Mont.," approved May 19, 1926 (44 Stat. L., 566), is hereby amended to read as follows:

"That the Secretary of the Interior is hereby authorized to allot lands in severalty to children of the Crow Tribe, now living, not heretofore allotted, from any suitable lands belonging to the tribe now available for allotments or which may become available, including any Crow lands heretofore opened to entry and sale, and to allot land to children hereafter born so long as there are lands of said tribe available for allotment purposes: *Provided*, That the areas allotted shall be as authorized by the general allotment act of February 8, 1887 (24 Stat. L., 388), as amended."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PORTO RICAN TAXPAYERS

The next business on the Consent Calendar was the bill (S. 754) for the relief of certain Porto Rican taxpayers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, this bill ought to be disposed of one way or another to-day. There are some facts which I believe should come to the attention of the House, and I ask unanimous consent that I may have 15 minutes and the gentleman from Pennsylvania [Mr. KIESS] may have 15 minutes, and then present the matter to the House and get a vote thereon.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that he may have 15 minutes and the gentleman from Pennsylvania [Mr. KIESS] may have 15 minutes to discuss Senate bill 754. Is there objection?

Mr. DYER. Mr. Speaker, I do not think we ought to take a half hour on one Senate bill. I have no objection to the bill being passed over without prejudice.

Mr. LaGUARDIA. I would suggest, then, that it be passed over without prejudice until 4 o'clock or 4:30 o'clock and then I will call it up.

The SPEAKER pro tempore. Suspensions will come later in the afternoon and it may not be possible to reach this bill after that time.

Mr. SCHAFER. Mr. Speaker, what is the hurry about this bill? There are as important bills or more important bills on this calendar.

Mr. LaGUARDIA. I will state to the gentleman from Wisconsin that the circuit court of appeals in Massachusetts is holding up the remittitur on these cases and the matter ought to be disposed of one way or another to-day. If objections are made it will simply mean that the bill is stricken from the calendar but will not be disposed of. I believe the bill is vicious and ought not to be passed.

Mr. SCHAFER. I think it is a vicious bill and is in the interest of a few tax dodgers. I object.

Mr. LaGUARDIA. We ought to get the facts before the membership and I think the gentleman should not object to our disposing of it.

Mr. DYER. Mr. Speaker, I shall not consent to the taking of a half hour upon this bill, which the gentleman from New York says ought not to be passed. If it is a vicious bill it ought to be objected to now.

Mr. LaGUARDIA. Why not dispose of it?

Mr. CRAMTON. The gentleman from New York should note that the gentleman from Wisconsin is opposed to the bill and I fear that even after the gentleman from New York and the gentleman from Pennsylvania have used a half hour they will not be able to overcome the gentleman's objection. One objection then will kill the bill.

Mr. LaGUARDIA. No; the gentleman will listen to the facts.

The SPEAKER pro tempore. The Chair will call attention to the fact that this bill requires three objections.

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent that it may be passed over without prejudice for one hour, and I will call it up later.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, does the gentleman from New York believe that after he speaks against the bill for 15 minutes that the gentleman from Pennsylvania can convince him the bill is all right. One objection will kill it.

Mr. LaGUARDIA. No; it takes three objections.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORIZING CERTAIN BANDS OF INDIANS TO PRESENT CLAIMS TO THE COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 5574) authorizing the Lower Spokane and the Lower Pend Oreille or Lower Calispell Tribes or Bands of Indians of the State of Washington, or any of them, to present their claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. HILL of Washington. Will the gentleman withhold his objection?

Mr. CRAMTON. I will.

Mr. HILL of Washington. Mr. Speaker, I would like to say a word on this bill and call attention to the status of the Indians who are seeking to present these claims. In the Sixty-eighth Congress, under an act that is now Public Law 402, a number of tribes of Indians in the western part of the State of Washington, among whom were certain nontreaty tribes, were given authority to present their claims to the Court of Claims. On the eastern side of the State of Washington and western side of Idaho, back in the early days of the settlement of that country—

Mr. UNDERHILL (interposing). Will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. UNDERHILL. How much was involved in that first assignment of claims to the Court of Claims?

Mr. HILL of Washington. No sum was indicated by the bill itself.

Mr. UNDERHILL. Has the court made a finding?

Mr. HILL of Washington. No; it has not been finally determined.

Mr. UNDERHILL. So the gentleman does not know how much the award will be?

Mr. HILL of Washington. Under this bill?

Mr. UNDERHILL. No; under the act passed in the Sixty-eighth Congress.

Mr. HILL of Washington. There has been no determination of those claims. The amount, of course, is not fixed, so I do not know what it will be.

Mr. UNDERHILL. How much was asked?

Mr. HILL of Washington. They did not set out in the bill or in the hearings how much it was. It was simply a blanket proposition.

Mr. UNDERHILL. This was not the bill in which you allowed them to sue for \$750,000,000?

Mr. HILL of Washington. No; we have no such claims arising in my State. I want to say this: The Indians in whose behalf this bill is introduced and is being pressed have always been peaceable Indians. Many of the tribes in the State of Washington were hostile at certain times and those Indians were treated with and their rights have been cared for by the Government. These Indians were promised similar treatment, but because of the fact that they were peaceable and gave the Government no trouble they were simply neglected, and they have never yet been able to succeed in getting a hearing from the United States Government, either for the negotiation of treaties or to present their claims to the Court of Claims.

Certain Indians occupying a similar status in the western side of the State having been granted authority to go into court and present their claims, it certainly could not be expected that these Indians would feel any great respect for the treatment they receive if they are denied treatment similar to that accorded other tribes in another part of the State.

I believe this Government should give them their day in court. This bill does not create any new cause of action. It simply gives them the right to present claims that now exist, and while they may be oversanguine as to the amount due them, yet they ought to have that simple American right of their day in court.

The Department of the Interior has not reported adversely on this bill. The department was rather noncommittal but said there had been a prima facie showing that warranted the department to enter into contracts with attorneys to present claims for them. The Bureau of the Budget, it is true, said it was contrary to the financial program of the President, but there is no adverse report on the merits of the bill from the department, and I hope the gentleman will not object.

Mr. CRAMTON. There are two reasons for objecting. First, there is the adverse report from the Budget. This is not necessarily controlling, but there is the further fact that there are only certain books of the Government to be consulted, and so many of these bills have already been passed that it will be

four or five years before access to the books could be secured by the attorneys for these Indians so great is the congestion of these claims. I am obliged to object, Mr. Speaker.

GREENLAWN CEMETERY

The next business on the Consent Calendar was the bill (H. R. 7475) to provide for the removal of the Confederate monument and tablets from Greenlawn Cemetery to Garfield Park.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to provide for the removal of the Confederate monument and tablets erected by the United States from Greenlawn Cemetery, Indianapolis, Ind., to Garfield Park, Indianapolis, Ind.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000, or so much thereof as may be necessary to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ASPHALT, GILSONITE, ELATERITE, AND OTHER LIKE SUBSTANCES

The next business on the Consent Calendar was the bill (H. R. 68) to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DYER, Mr. COCHRAN of Missouri, and Mr. ROWBOTTOM objected.

AVIATION PENSION ACT

The next business on the Consent Calendar was the bill (H. R. 10479) granting double pensions to dependents under existing pension laws in all cases where an officer, warrant officer, or enlisted man or student flyer of the United States Army dies or is disabled due to aircraft accident.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, I reserve the right to object in order that I may make a short statement before I object emphatically to the passage of the bill.

This bill creates a discrimination which should not exist with reference to the defenders of our Nation. Men who serve in the aviation service now get more pay than men who serve in other branches of the service, deservedly so, because of the risks which they take. It is extra hazardous and they ought to be paid more; but when a man is killed in an accident, whether he crashes and is killed, or whether he is killed by contact with the propeller of an airplane, or run over by an Army truck or Army tank on the ground, or whether he is killed and killed by an Army mule, or whether he is killed by the explosion of a shell, he is equally dead in any event, and if he leaves dependents, they are equally entitled to consideration on the part of the Government. If we are not paying the dependents of these men who are employed in the defense of our Government and of our Nation pension enough, I will vote for an increased pension for all; but I never will vote for anything which makes for discrimination between those engaged in one branch of the service and those engaged in another branch of the service. Every branch of the service is interdependent and equally important.

Mr. SCHAFER. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. SCHAFER. I agree with the gentleman. We ought to increase the general pension rate. The widow who files a claim under the general pension law will only get \$12, and \$2 for each dependent child, and it is about time the Pension Committee recommended legislation to take care of these people properly.

Mr. UNDERHILL. If they will do so, I will gladly go along with them.

Mr. KNUTSON. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. KNUTSON. Is the gentleman aware of the fact that this bill simply amends the act of August 29, 1916, which provided for a double pension for the dependents of those who are killed or injured in the Navy or Marine Corps aviation? It amends that bill by adding the Army. This was an oversight, I assume, at the time the act of August 29, 1916, was passed, and there is no reason why the Army aviation service should not be placed on the same footing as the Marine Corps and the Navy aviation services.

Mr. UNDERHILL. I regret very much that the Pension Committee introduced or recommended and that Congress passed any such bill as that. It is wrong in principle and unjust because it is discriminatory and inequitable. I am obliged to object.

The SPEAKER pro tempore. This bill requires three objections.

Mr. UNDERHILL, Mr. COLLINS, and Mr. BUSBY objected.

INDIAN PEACE COUNCIL AT MEDICINE LODGE, KANS.

The next business on the Consent Calendar was the bill (H. R. 8132) authorizing the appropriation of \$2,500 for the erection of a tablet or marker at Medicine Lodge, Kans., to commemorate the holding of the Indian peace council at which treaties were made with the Plains Indians in October, 1867.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$2,500 is hereby authorized to be appropriated to be expended, under the direction of the Secretary of the Interior, in the erection of a tablet or marker at Medicine Lodge, Kans., to commemorate the holding at Medicine Lodge, Kans., of the Indian peace council at which treaties were made between the United States and the Kiowa, Comanche, Apache, Cheyenne, and Arapahoe Indians in October, 1867.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE DESCHUTES PROJECT IN OREGON

The next business on the Consent Calendar was the bill (S. 1186) to provide for the construction of the Deschutes project in Oregon, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that that bill be passed without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LOAN OF AERONAUTIC EQUIPMENT TO MUSEUMS AND EDUCATIONAL INSTITUTIONS

The next business on the Consent Calendar was the bill (S. 1822) to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LA GUARDIA. Reserving the right to object, I would like to ask the gentleman from Minnesota a question. This provides for loaning this property to museums or properly accredited schools, colleges, and universities. Is it left entirely to the discretion of the Secretary of War, or how are the schools to be classed? I know several schools that are seeking to get obsolete equipment, and I would like to know if it is general so that a bona fide school can get it?

Mr. FURLOW. I think the intent is that it will be left to the discretion of the Secretary of War to determine what are the bona fide schools, and what colleges and schools should get this equipment.

Mr. LA GUARDIA. But that language is rather indefinite.

Mr. FURLOW. Can the gentleman suggest any language that will make it more clear? Our intention was to leave it to the discretion of the Secretary of War to determine.

Mr. LA GUARDIA. I am willing to leave it to the discretion of the Secretary of War, but I do not want any artificial standards. I do not think it should be confined to universities or colleges. I think the small class of schools near aviation fields should be entitled to the instruction.

Mr. HUDSON. I presume that it would be given to standard A schools and colleges.

Mr. LA GUARDIA. Does not the gentleman think that standard A colleges is too high?

Mr. FURLOW. I do not think that it would be limited to colleges or universities only in the discretion of the Secretary of War.

Mr. LA GUARDIA. Standard A schools would be limited. If the gentleman on the Military Affairs Committee will state that it was the intention of the committee reporting the bill that sufficient latitude is to be given to the Secretary of War to give the equipment to such schools as he believes are worthy and deserving, carrying on proper instruction, I would not object.

Mr. JAMES. It is to be given to schools, colleges, or universities that will give such assurance to the Secretary of War. The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to transfer or loan to museums or properly accredited schools, colleges, and universities, for exhibition or instructional purposes, any aircraft, aircraft parts, instruments, or engines that have become obsolete or impaired to the extent that repair would not be economical: *Provided*, That such aircraft, aircraft parts, or engines will not be used in actual flight: *Provided further*, That no expense shall be caused the United States Government by the delivery or return of said property.

Mr. BLACK of Texas. Mr. Speaker, I offer the following amendment. On page 2, line 2, I move to strike out the word "delivery" and insert the words "transfer or loan." I think that would be better language.

Mr. LA GUARDIA. I think it would make it much more expensive to loan the equipment, because they would have to keep a record of it and carry it in the inventory. This is all obsolete equipment that the department wants to get rid of.

Mr. BLACK of Texas. The bill already permits the transfer and loan, but the amendment I have offered is with regard to the expenses to the Government. The proviso if amended would read:

Provided further, That no expense shall be caused the United States Government by the transfer or loan or return of said property.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AMENDING THE NATIONAL DEFENSE ACT

The next business on the Consent Calendar was the bill (S. 2950) to amend the second paragraph of section 67, national defense act as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LA GUARDIA. Reserving the right to object I would like to inquire what is the necessity of these officers attending the Adjutants General Association? I can understand the regular officers attending the National Guard Association, but the Adjutant General's Association is a new line.

Mr. WAINWRIGHT. It is always held at the same period as the National Guard Association. I do not know that it makes any particular difference, but they are usually held on the same date at the same place.

But this is of a great deal of importance as affording an opportunity for the Regular Army officers on duty with the militia and the General Staff to confer at that time. The adjutants general of the States are all there, and they could clear up matters which might involve the calling of the adjutants general to Washington under conditions where their traveling expenses would under the law be a charge against the Government. As I understand, the entire expense involved in this change of the law has run not over \$1,000.

Mr. JAMES. There is no additional expense at all.

Mr. LA GUARDIA. Is there not a tendency to form more of these associations? The next thing we know, we will have an association of quartermaster generals, and then an association of surgeon generals. I can see that perhaps an exchange of views at the National Guard convention might be productive of some good. But just why the adjutants general should have an association I can not understand.

Mr. SPEAKS. The conventions of the National Guard Association of the United States have been held annually for more than a quarter of a century. They accomplish much for the benefit of our nonprofessional national defense organizations. The expenses of the adjutants general and the officers representing the several States are paid from State funds. The meetings are of great importance and should be encouraged.

Mr. LA GUARDIA. I understand that.

Mr. SPEAKS. The gentleman was speaking of forming additional organizations. This is one created many years ago. It meets annually for a necessary purpose.

Mr. LA GUARDIA. And I suppose a good time is had by one and all.

Mr. SPEAKS. Surely just as good a time is being had on the floor by the gentleman from New York.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second paragraph of section 67, national defense act, as amended, be, and the same is hereby, amended to read as follows:

"The appropriation provided for in this section shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: *Provided*, That the sum so apportioned among the several States, Territories, and the District of Columbia shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for actual and necessary expenses incurred by officers of the Regular Army, and reserve officers holding commissions in the National Guard on active duty in the Militia Bureau or the War Department General Staff, while traveling in attending the annual conventions or the National Guard Association of the United States and the Adjutants General Association; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services; for expenses of enlisted men of the Regular Army on duty with the National Guard, including an allowance for quarters and subsistence provided in section 11 of the pay readjustment act of June 10, 1922, medicine, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries, and suitable target ranges; for the hiring of horses and draft animals for use of mounted troops, batteries, and wagons for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMMISSION FOR ENLARGING CAPITOL GROUNDS

The next business on the Consent Calendar was the bill (S. 2301) to create a commission to be known as the commission for the enlarging of the Capitol Grounds, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Vice President of the United States, the Speaker of the House of Representatives of the United States, the chairman of the Senate Committee on Public Buildings and Grounds, the chairman of the House Committee on Public Buildings and Grounds, the minority leader of the Senate, the minority leader of the House of Representatives, and the Architect of the Capitol are hereby created a commission to be known as the commission for the enlarging of the Capitol Grounds. The commission shall have charge of the area between the Capitol and the Union Terminal Station, now owned by the Government, and such other parcels of land as may be added thereto, and is authorized to consider plans and estimates for the creation of a park area to enlarge the Capitol Grounds, both the plans showing the original scheme for the development of this area, and the alternative scheme for the development of this and added areas, and to recommend to the Congress such original and alternative plans or schemes with estimates of costs therefor, together with recommendations for the purchase of such other areas as may be considered necessary to give to the plans for the enlargement of the Capitol Grounds a suitable landscape treatment for the Capitol Building in relation to the landscape treatment with the proposed arrangement of the Mall area.

With the following committee amendments:

Page 1, line 5, after the word "chairman," insert "and ranking minority member"; and in line 6, after the word "chairman," insert "and ranking minority member."

The committee amendments were agreed to.

Mr. HOOPER. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendments offered by Mr. HOOPER: Page 2, line 2, after the word "commission," strike out the remainder of lines 2, 3, 4, and 5, down to and including the word "and."

Page 2, line 7, after the word "grounds," strike out the words "both" and insert in lieu thereof the word "including."

Page 2, after line 16, insert a new section, as follows:

"Sec. 2. If the commission is unable to submit a final report before the expiration of the Seventieth Congress, those Members of the House of Representatives who are members of the commission at the date of expiration of such Congress, if Members elect to the succeeding Congress, shall continue as members of such commission until their successors are determined by the organization of the House of Representatives of the Seventy-first Congress."

The amendments were agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATING POSTAL RATES

Mr. GRIEST. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12030) to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 201, Title II, of the act of February 28, 1925 (43 Stat. 1066, U. S. C., title 39, sec. 281), is amended to read as follows:

"SEC. 201. The rate of postage on private mailing cards described in the act entitled 'An act to amend the postal laws relating to the use of postal cards,' approved May 19, 1898, shall be 1 cent each."

BUSINESS REPLY CARDS AND ENVELOPES

SEC. 2. Under such regulations as the Postmaster General may prescribe, it shall be lawful to accept for transmission in the mails without prepayment of postage business reply cards and letters in business reply envelopes, which have been sent out in the quantity and under the conditions he may establish, postage thereon at the regular rate, together with an additional postage charge of not more than 2 cents on each such card and letter, to be collected on delivery: *Provided*, That for the purpose of fixing the compensation and allowances at first, second, and third class offices credit shall be allowed only for the postage collected in addition to the regular rate on such cards and letters delivered at such offices: *Provided further*, That postmasters at offices of the fourth class shall be entitled to include in the amounts upon which their commissions on cancellations are based the amount of postage chargeable at the regular rate on such cards and letters mailed at their offices.

DEFICIENT POSTAGE

SEC. 3. All mail matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery. If the postage is short paid one rate, the additional charge shall be 2 cents, or the deficient postage. If it is short more than one rate, the deficient postage and an additional charge of 1 cent for each ounce or fraction thereof shall be collected.

SECOND-CLASS MATTER

SEC. 4. Section 202, paragraph (a) (2), of the act of February 28, 1925 (43 Stat. 1066, U. S. C., title 39, sec. 283), is hereby amended to read as follows:

"SEC. 202. (a) (2) On that portion of any such publication devoted to advertisements the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows:

"For the first and second zones, 1½ cents.

"For the third zone, 2½ cents.

"For the fourth zone, 4 cents.

"For the fifth zone, 4½ cents.

"For the sixth zone, 5½ cents.

"For the seventh zone, 7 cents.

"For the eighth zone, and between the Philippine Islands and any portion of the United States, including the District of Columbia, and the several Territories and possessions, 7½ cents."

TRANSIENT SECOND CLASS

SEC. 5. Section 203, Title II, of the act of February 28, 1925 (43 Stat. 1067, U. S. C., title 39, sec. 287), is hereby amended to read as follows:

"SEC. 203. The rate of postage on publications entered as second-class matter, when sent by others than the publisher or news agent, shall be 1 cent for each 2 ounces or fraction thereof."

THIRD-CLASS MATTER

SEC. 6. Section 206, paragraph (b), of the act of February 28, 1925 (43 Stat. 1067, U. S. C., title 39, sec. 291), is hereby amended to read as follows:

"(b) The rate of postage thereon shall be $1\frac{1}{2}$ cents for each 2 ounces or fraction thereof, up to and including 8 ounces in weight, except that the rate of postage on books, catalogues, seeds, cuttings, bulbs, roots, scions, and plants, not exceeding 8 ounces in weight, shall be 1 cent for each 2 ounces or fraction thereof, except as herein provided for library books: *Provided*, That, under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails, it shall be lawful to accept for transmission in the mails, without postage stamps or with precanceled stamps affixed, separately addressed identical pieces of third-class matter in quantities of not less than 20 pounds, or of not less than 200 pieces subject to pound rates of postage applicable to the entire bulk mailed at one time: *Provided further*, That the rate of postage on third-class matter mailed in bulk under the foregoing provision shall be 12 cents for each pound or fraction thereof, except that in the case of books, catalogues, seeds, cuttings, bulbs, roots, scions, and plants the rate shall be 8 cents for each pound or fraction thereof: *Provided, however*, That the rate of postage on third-class matter mailed in bulk under the foregoing provisions shall be not less than 1 cent per piece."

FOURTH-CLASS MATTER

SEC. 7. Section 207 of the act of February 28, 1925 (43 Stat. 1067, U. S. C., title 39, secs. 240, 247, 293), is hereby amended to read as follows:

"SEC. 207. (a) Mail matter of the fourth class shall weigh in excess of 8 ounces, and shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the third class as defined in section 206.

"(b) On fourth-class matter the rate of postage, except as herein provided for library books, shall be by the pound, as hereinafter provided, the postage in all cases to be prepaid by stamps affixed thereto or as otherwise prescribed by the Postmaster General.

"The postage on matter of the fourth class shall be as follows:

"On all matter mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and on all matter mailed at a city-carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any office for local delivery, 7 cents for the first pound or fraction of a pound, and 1 cent for each additional 2 pounds or fraction thereof.

"For delivery within the first zone, except as provided in the next preceding paragraph, 7 cents for the first pound or fraction of a pound, and 1 cent for each additional pound or fraction of a pound (and except where the distance by the shortest regular mail route from the office of origin to the office of delivery is 300 miles or more, in which case the rates of postage shall be 8 cents for the first pound or fraction of a pound, and 2 cents for each additional pound or fraction of a pound).

"For delivery within the second zone, 7 cents for the first pound or fraction of a pound, and 1 cent for each additional pound or fraction of a pound (except where the distance by the shortest regular mail route from the office of origin to the office of delivery is 300 miles or more, in which case the rates of postage shall be 8 cents for the first pound or fraction of a pound, and 2 cents for each additional pound or fraction of a pound).

"For delivery within the third zone, 8 cents for the first pound or fraction of a pound and 2 cents for each additional pound or fraction of a pound.

"For delivery within the fourth zone, 8 cents for the first pound or fraction of a pound and 4 cents for each additional pound or fraction of a pound.

"For delivery within the fifth zone, 9 cents for the first pound or fraction of a pound and 6 cents for each additional pound or fraction of a pound.

"For delivery within the sixth zone, 10 cents for the first pound or fraction of a pound and 8 cents for each additional pound or fraction of a pound.

"For delivery within the seventh zone, 12 cents for the first pound or fraction of a pound and 10 cents for each additional pound or fraction of a pound.

"For delivery within the eighth zone and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 13 cents for the first pound or fraction of a pound and 12 cents for each additional pound or fraction of a pound:

"*Provided*, That the rate of postage on matter of the fourth class when mailed on rural routes shall be, for local delivery and for delivery

within the first, second, and third zones, 2 cents less than the rates prescribed in this section, and for delivery within the fourth, fifth, sixth, seventh, and eighth zones, 1 cent less than the rates prescribed in this section.

"The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this section, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby directed, subject to the consent of the Interstate Commerce Commission after investigation, to re-form from time to time such classifications, weight limit, rates, zone or zones or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

"(d) Books, consisting wholly of reading matter and containing no advertising matter other than incidental announcements of books, when sent by public libraries, organizations or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, as a loan to readers or when returned by the latter to such public libraries, organizations, or associations shall be charged with postage at the rate of 3 cents for the first pound or fraction thereof, and 2 cents for each additional pound or fraction thereof, except that the rates now or hereafter prescribed for third or fourth class matter shall apply in every case where such rate is lower than the rate prescribed herein for books under this classification: *Provided*, That this rate shall apply only to such books as are addressed for local delivery, for delivery in the first, second, or third zone, or within the State in which mailed.

"Public libraries, organizations, or associations before being entitled to the foregoing rates shall furnish to the Postmaster General, under such regulations as he may prescribe, satisfactory evidence that none of the net income of such organizations inures to the benefit of any private stockholder or individual."

SPECIAL DELIVERY AND SPECIAL HANDLING

SEC. 8. Section 212, Title II, of the act of February 28, 1925 (43 Stat. 1069, U. S. C., title 39, secs. 165, 167), is amended to read as follows:

"SEC. 212. (a) To procure the immediate delivery of mail matter of the first class weighing not more than 2 pounds, stamps of the value of 10 cents shall be affixed (in addition to the regular postage); matter weighing more than 2 pounds and not more than 10 pounds, stamps to the value of 20 cents shall be affixed (in addition to the regular postage); and matter weighing more than 10 pounds, stamps to the value of 25 cents shall be affixed (in addition to the regular postage).

"(b) Mail matter of other than the first class bearing, in addition to the regular postage, a special-delivery stamp of the proper denomination or the equivalent thereof in ordinary stamps, with the words 'Special delivery' written or printed on the envelope or wrapper when ordinary stamps are used, shall receive the same expeditious handling and transportation as is accorded to mail matter of the first class and shall be accorded immediate delivery at the office of address, under such regulations as the Postmaster General may prescribe.

"(c) To procure immediate delivery of mail matter of other than the first class weighing not more than two pounds, stamps to the value of 15 cents shall be affixed (in addition to the regular postage); weighing more than 2 pounds but not more than 10 pounds, stamps to the value of 25 cents shall be affixed (in addition to the regular postage); and for matter weighing more than 10 pounds, stamps to the value of 35 cents shall be affixed (in addition to the regular postage).

"(d) For making special delivery there may be paid to the messenger or other person making such delivery 9 cents for matter of the first class weighing not in excess of 2 pounds, 10 cents for matter of other than the first class weighing not in excess of 2 pounds, 15 cents for mail matter of any class weighing more than 2 pounds but not in excess of 10 pounds, and 20 cents for mail matter of any class weighing in excess of 10 pounds.

"(e) For the purpose of this act the Postmaster General is authorized to provide and issue special-delivery stamps of the denominations 10, 15, 20, 25, and 35 cents."

So much of section 207 of Title II of the act of February 28, 1925 (43 Stat. 1067, U. S. C., title 39, sec. 294), as refers to the expeditious handling, transportation, and delivery of mail matter of the fourth class is hereby amended to read as follows:

"Whenever, in addition to the postage as hereinbefore provided, there shall be affixed to any parcel of mail matter of the fourth class a special handling stamp of the proper denomination, or the equivalent thereof in ordinary postage stamps with the words 'Special handling' written or printed upon the wrapper, such parcel shall receive the same expeditious handling, transportation, and delivery accorded to mail matter of the first class: *Provided*, That to procure special handling treatment of mail matter of the fourth class weighing not more

than 2 pounds, stamps to the value of 10 cents shall be affixed (in addition to the regular postage); weighing more than 2 pounds but not more than 10 pounds, stamps to the value of 15 cents shall be affixed (in addition to the regular postage); and on such matter weighing more than 10 pounds, stamps to the value of 20 cents shall be affixed (in addition to the regular postage).

EFFECTIVE DATE

SEC. 9. This act shall become effective July 1, 1928.

The SPEAKER. Is a second demanded?

Mr. BELL. Mr. Speaker, I demand a second.

Mr. GRIEST. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania [Mr. GRIEST] is entitled to 20 minutes, and the gentleman from Georgia [Mr. BELL] to 20 minutes.

Mr. GRIEST. Mr. Speaker, this bill if enacted, as the committee unanimously recommends, will be the first postal rate law in the history of the Congress to equalize and popularize by revision downward postal rates in all classes of mail. It is the result of an intensive study of postal rates by members of the Post Office Committee of the House, the late joint subcommittee of the House and Senate, and the Post Office Department during the period that has elapsed since the last postal rate bill was hurriedly constructed to meet the emergency caused by the salary bill for postal employees in 1925.

The pending bill corrects and modifies that act and other postal-rate enactments. It accomplishes an equitable readjustment and reduction of rates in all classes, the reduction being estimated, in aggregate, by the Post Office Department, which gives its approval to the bill, at \$13,585,000. The bill also provides several new postal facilities with well-considered and moderate rates attached thereto.

That the bill is not perfect in all of its minutiae goes without saying, but it is conceded to be a well-balanced measure and is as nearly perfect as a unanimous committee has been able to make it after exhaustive hearings and study. Permit me to send to the Clerk's desk for reading the following letter, which is somewhat personal, but came to me as chairman of the committee:

ROBERT COLLIER (INC.),
New York City, March 16, 1928.

Hon. W. W. GRIEST,

House of Representatives, United States,
Washington, D. C.

DEAR MR. GRIEST: You remember the story of the schoolboy who was called to the blackboard to do an example. Arriving at the correct solution, he turned expectantly to the teacher.

"That is good, Johnny," commended the teacher; "you did it very well."

"Good," retorted Johnny, disgustedly. "Hell, that's perfect!"

That's the way I feel about the new postal bill (H. R. 12030) which you have just reported to Congress. More power to you, Mr. GRIEST! You and your committee have done a fine job.

Cordially yours,

ROBERT COLLIER.

Many other letters of similar import have been coming to the committee. Not a single witness during the hearings but favored the passage of the bill even if his own particular recommendation or criticism was disagreed to. I am well convinced that there is general agreement by both the so-called "big" and "little fellows" who are users of the mails, that this bill should pass. To achieve such a situation, the House will realize that we had to overcome many difficulties and divergent views in order to frame provisions that would be acceptable both to the Post Office Department and to the users of the mails. This, I believe, has been accomplished sufficiently well to justify our committee's indorsement of the bill for passage by the House.

Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. RAMSEYER]. I ask unanimous consent to revise and extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Iowa [Mr. RAMSEYER] is recognized for five minutes.

Mr. GRIEST. I also ask unanimous consent that all Members of the House may have the privilege of inserting their remarks in the Record on this bill for three legislative days.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, I do not know what I can say to elucidate this bill in five minutes. I agree with our chairman [Mr. GRIEST] that the bill is a good one and as nearly perfect as the Committee on the Post Office and Post Roads could make it. If there is any phase of this bill which anyone wants to have explained I shall willingly yield for questions. Before yielding I wish to state that this bill is the result of careful study. The postal salary and postal rate bill in 1925, you will remember, carried some increases in postage rates which I thought very unwise. Post cards, for example, were increased from 1 cent to 2 cents. That proved unprofitable and the rate has been restored to 1 cent. The rate on third-class matter, which is direct-by-mail advertising, was increased from 1 cent for 2 ounces to 1½ cents for 2 ounces. It resulted in diminishing the postal revenues.

Most of the provisions of this present bill passed the House during the last Congress in separate bills by unanimous consent. They went to the Senate, and the Senate passed its own bill, and then in conference we agreed to a rate bill substantially like this rate bill that is now before you. This bill, however, has a few new provisions. That rate bill would have been enacted into law at the last session of Congress but for the unfortunate filibuster in the Senate during the closing week of the last Congress.

In the bill before us the post-card rate has been reduced from 2 cents to 1 cent. As to second-class mail, you know we established a zone rate back during the war and provided for four increases; an increase in the fiscal year 1919, another in 1920, another in 1921, and then another in the fiscal year 1922. The users of second-class mail want to go back to the 1920 rate. This bill is a compromise and carries the 1921 rate.

The third-class rate stays at 1½ cents for 2 ounces. But we carry a provision here for bulk mailing; that is, when envelopes with stamps affixed or without stamps affixed are presented, all of the same size, either in 20-pound bulk, or 200 separate pieces, it is taken at the rate of 12 cents a pound. That means that each separate piece weighing 1½ ounces or less goes for 1 cent. According to the estimate of the Post Office Department from 80 to 85 per cent of third-class mail consists of pieces weighing less than 1½ ounces. That means that the bulk of third-class mail will hereafter enjoy a rate of 1 cent per piece. This rate, I think, will prove quite satisfactory to the users of third-class mail.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. GREEN. How does this bill take care of seed houses mailing out a small parcel of seed?

Mr. RAMSEYER. It gives them a flat rate of 1 cent for 2 ounces, or if offered in bulk, 8 cents a pound.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Is the time all taken?

Mr. GRIEST. No. I yield to the gentleman three additional minutes.

The SPEAKER. The gentleman from Iowa is recognized for three additional minutes.

Mr. THURSTON. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Certainly.

Mr. THURSTON. On page 4 I notice there is a provision for catalogues. Would you object to including in that provision circulars?

Mr. RAMSEYER. Everything printed that goes into third class less than a catalogue or a book could be designated or classed circulars. There would be objection to the gentleman's proposal unless we should decide to go back to 1 cent for 2 ounces, which was the rate prior to 1925. The rule under which this bill is considered, amendments are not in order.

Mr. THURSTON. What is the practical aspect of that exception now?

Mr. RAMSEYER. It is that when circular mail is offered for mailing in bulk, the rate is 12 cents for each pound, which means that if the pieces do not weigh over 1½ ounces each, they go for 1 cent apiece.

Mr. HUDSON. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. HUDSON. In reference to section 2, was any representation brought before the committee as to what this might possibly do to the small retailers?

Mr. RAMSEYER. No.

Mr. HUDSON. It seems it will work a hardship to the small retailer and to the special advantage of the mail-order houses.

Mr. RAMSEYER. I do not think so. The mail-order houses are here and they are here to stay. Mail-order houses advertise largely through newspapers and catalogues. On the other hand

there are a lot of small business concerns and small factories which can not afford to advertise in the newspapers and which depend upon selling their goods almost exclusively on direct-by-mail advertising, using the third-class mail.

Mr. HUDSON. This will greatly stimulate their business?

Mr. RAMSEYER. I think it will help.

Mr. HUDSON. Therefore it must take business from somebody else.

Mr. RAMSEYER. Not necessarily.

Mr. HUDSON. It is a serious question, to my mind as a former retailer, as to what it will do.

Mr. RAMSEYER. I do not think it will be as serious as the gentleman thinks.

Mr. KNOTSON. How are the rates changed on large catalogues?

Mr. RAMSEYER. Well, large catalogues go by parcel post or fourth-class mail. They pay the regular parcel-post rates. There is only one other feature in this bill to which I wish to call your attention and that is the last part, the special handling and special delivery services combined on parcel post. In the bill of 1925 we inaugurated special handling, that is, if you paid 25 cents extra on a parcel it received the same expeditious handling that first-class mail received.

The SPEAKER. The time of the gentleman from Iowa has again expired.

Mr. GRIEST. Mr. Speaker, I yield the gentleman one additional minute.

Mr. RAMSEYER. Ordinarily, a parcel-post package does not travel with the same expedition as first-class mail, but if it had that 25 cents extra placed on it it would receive expeditious handling from the office of entry to the office of delivery, the same as first-class mail. When it got to the office of delivery it would have to take its turn in getting to the addressee, but now, with the combined special handling and special delivery, there is promise of greater expedition to those who want to pay for these new services. By paying a little extra you not only get expeditious handling from post office to post office, but you get immediate delivery at the post office of delivery.

The SPEAKER. The time of the gentleman from Iowa has again expired.

Mr. CRAMTON. Mr. Speaker, can the gentleman from Pennsylvania yield me one minute in order to ask a question?

Mr. GRIEST. Mr. Speaker, I yield the gentleman one minute.

Mr. CRAMTON. Referring to the so-called Watson bill, with reference to the delivery of parcel post C. O. D., which has not been ordered, is there anything in this bill covering that matter?

Mr. GRIEST. There is nothing in this bill in regard to that. This is purely a rate bill and we cut out all extraneous matters. The so-called Watson bill is now before our committee. I understand it has been favorably reported by a subcommittee, but it has not yet been acted upon by the full committee.

Mr. CRAMTON. I hope it will receive the same favorable report from the full committee.

Mr. BELL. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. SPEARING].

Mr. SPEARING. Mr. Speaker and gentlemen, I do not rise in opposition to the bill. On the contrary, I voted in the committee to report it favorably and will vote for the bill on the floor of the House to-day, and I think it should be passed. However, in the committee I did offer an amendment to the second-class rates, particularly with reference to the rates on newspapers, and were it possible to offer an amendment now I would repeat the amendment here on the floor of the House and urge, as vigorously as I might, that it be adopted.

The situation with reference to newspapers is that under the war revenue law of 1917 an increase of rates was provided on newspapers and all other second-class matter. Those rates were increases of 25 per cent to 225 per cent more than they were before, effective July 1, 1918. There was another increase of 50 per cent to 450 per cent more than the prior rate, effective July 1, 1919, known as the 1920 rate, and another increase of 75 per cent to 675 per cent more than the original rate, effective July 1, 1920. That increase is what is known as the 1921 rate. The present bill proposes to restore the 1921 rate. There was a further increase under the war revenue law of 1917 of 100 per cent to 900 per cent more than the original rate, effective July 1, 1921. There was a slight change, a small increase and a slight decrease by act of February 28, 1925, effective April 15, 1925, which need not be considered here. It seems to me it would be perfectly fair to go back to the 1920 rate, and if ever the occasion presents itself I shall offer an amendment to that effect and urge it.

I do not think anyone disputes that the newspapers—the weekly periodicals to a large extent, and the monthly maga-

zines to a certain extent—are matters of education. The running of the post office and the operations of carrying the mail—first class, second class, and all classes of mail—are matters of governmental function and are carried on for the purpose of increasing the means of communication between the people throughout the country and with other nations. We should encourage that. The evidence before the committee shows that as the result of the increases in the newspaper rates the circulation of certain papers has decreased. That has resulted because they have not been able to send their papers at the same rate they sent them before.

To my mind a newspaper is one of the greatest means of education that we have. It supplements the school education beyond expression. It gives the youth, particularly, knowledge of current events and of everyday happenings. It is history in the making. Show me a boy or a girl, a man or a woman, who keeps up with the current literature through the daily press and the weekly press, and I will show you a person who is well informed not only about current history but about history of years ago. It is an education; it is knowledge; and we should encourage it and we should increase the circulation. The increase in the postal rates had a tendency to discourage it, and, as I say, if it were possible I would offer an amendment urging the 1920 rate. Of course, that is not now possible, but I mention it at this time merely for the purpose of calling the matter to the attention of the House in the hope that when an opportunity does present itself the Members of the House will bear that fact in mind and will vote for such an amendment when it is offered or for such a proposition when it may come before the House in any form for action.

Mr. PEERY. Will the gentleman yield?

Mr. SPEARING. Yes.

Mr. PEERY. That opportunity will not come now?

Mr. SPEARING. Not on this bill at this time, but it may later on.

As indicated by its name, the war revenue act of October 3, 1917, was a war measure. It was, of course, necessary to raise increased and additional revenues. It was natural at that time to seek additional income from any and every source possible, including the Post Office Department. Many other activities were included as means of increasing the income of the Government. Practically every one of the increases which were necessitated by war conditions have been abolished. The only remaining ones are the so-called nuisance taxes and the additional charge of second-class postage. The act of February 28, 1925, to which I have already referred, made very little change in the second-class postal rates; in fact, one charge was increased from 5 cents per pound to 6 cents, while another was reduced from 7 cents to 6 cents, and a third, which affects very few newspapers, from 10 cents to 9 cents, so that for all practical purposes the existing rates are the same as those which have been in effect since July 1, 1921, being the fourth raise under the war revenue act of October 3, 1917. The newspaper publications did not at the time of the increase make any complaint, but the necessities of the case having ceased to exist, it is fair that the newspaper publications should be given consideration and that the extraordinary increases in the rates charged to them by reason of war conditions should be reduced. There is no pretense that the rates which existed prior to the war should be restored, but it is seriously urged that there is a middle ground which will be fair to the newspapers, the people, and the Post Office Department. It seems to me, and I insist, that no one can with reason complain if increases ranging from 50 per cent to 450 per cent more than the original rate are reinstated. Those are the increases effective July 1, 1919, and known as the 1920 rates. They should be restored. The pending bill restores the 1921 rates, with increases ranging from 75 per cent to 675 per cent over and above the rate which prevailed prior to the war, and, for that matter, during the first several years of that conflict. Those rates are too high and unreasonable, and there is nothing to justify them except the desire to obtain revenue for the Post Office Department.

As I have already said, the carrying of the mails is a governmental function. The Post Office Department is the only department of the Government that seeks to obtain a revenue from its operation, or, more properly speaking, for the services which it renders. Every other department of the Government renders services to the people free of charge. We all know the unlimited number of publications issued by the Agriculture Department and distributed free to the people. This is as it should be. I am not finding fault with that policy; on the contrary I approve it; because the distribution of the bulletins, the yearbooks, and other publications of the Agriculture Department result in the education of the people and the improvement of conditions in the country. That also is a governmental function. So, in the Department of Commerce an incalculable

amount of literature is distributed among the people for their education and for the improvement of conditions, economic and otherwise. The Public Health Service renders countless services to the people and likewise distributes free hundreds of thousands, and possible millions, of publications in pamphlet form and otherwise. This list could be increased to such an extent that it would be unreasonable to include in these few remarks the unlimited number of services which various departments of the Government render to the people without cost or charge to them.

What I have said of those other departments is true of the Post Office Department. It is as much a department of the Government as are the others. It is performing a governmental function just as truly as are the other departments. There is no pretense, and I am not contending, that the Post Office Department should render its services or perform its functions without compensation. The price demanded from those who use that department need not necessarily be the cost of the service, though each should bear some relation to the other.

As I have already indicated, the carrying of the daily newspaper, and in lesser degree the weekly publications, and the monthly magazines, is a means of educating the people just as is the distribution of the publications of the Agricultural Department, the Commerce Department, the Public Health Service, and of all those other departments of Government which issue and distribute literature of one kind or other to the people for their education, uplift, and improvement. In my judgment, there is nothing more important than the dissemination of news, of putting into the hands of the people the records of current events. It is a means of education that can not be obtained in the schools or colleges, but it is just as important as is the instruction in the educational institutions. The Government should do everything to encourage the distribution of newspapers, particularly the dailies, so that the people throughout the country will be more fully informed and advised of current events and happenings. To put postage rates on daily newspapers at a reasonable figure accomplishes, or in all events helps to accomplish, this purpose. It is undeniable that one of the principal causes of the advance and progress of this country is the daily newspaper and its distribution among the masses of the people, bringing to them knowledge of events which have happened, contemplation of those which might come to pass. The free interchange of news and views has done as much for the progress and advancement of this country as any one thing, if not more. This is not the time to limit, retard, or interfere with the distribution of the daily newspaper but to encourage it, and this can be done by restoring the 1920 rates which, as I have already indicated, are fair to the Government, to the people, and to the publishers.

This subject has been discussed and has been under consideration for several years. The justice and fairness of the 1920 rates were recognized by the special joint subcommittee of the Senate and of the House, which was created by the act of February 28, 1925, to study and consider the rearrangement of the postal rates which, as we have already seen, were increased purely and simply as a war measure. Thus, in a report made by that subcommittee to the House on May 11, 1926 (Rept. No. 1157, 69th Cong., 1st sess.), that committee said among other things:

The committee recognizes a degree of force in the arguments submitted to it in favor of the 1920 rates for second-class matter. The figures presented by the Post Office Department do not, however, warrant a recommendation to this effect.

The dissemination of news and information, the education of the people, their uplift, improvement, and advancement are not properly matters of financial cost, but should be pursued as a governmental duty without regard or reference to the cost in dollars and cents. The results can not be measured by the rule of a dollar. It is not so treated in other departments of the Government and should not be in the Post Office Department. If the 1920 rates are fair they should be adopted irrespective of whether or not they insure sufficient revenue in money to satisfy those in charge of the Post Office Department.

It is true that in the report (No. 1006, 70th Cong., 1st sess.) of the committee on the pending bill (H. R. 12030) it is indicated that there are reductions from existing rates. That statement is literally true, but the "existing rates" are so much higher than were the rates which prevailed before the war that it is idle to talk about reductions. The rates recommended by the committee and carried in the bill are largely in excess of, and are general increases over, the rates which existed under normal conditions, and the rates should be restored to those which should properly prevail under the present normal conditions. Confessedly, the rates recommended in the bill are for

revenue or, in all events, to prevent a decrease in revenue. As we have already seen, that is not the function of the Government and should not be made the excuse for charging a higher rate than is justified by the conditions of the case or situation.

Much more could be said in favor of a fair rate on second-class matter, and particularly to the daily newspapers, but under present conditions I have said enough, I trust, to draw to your attention what seems to me to be unfair and improper rates on second-class matter to the end that when a reduction of those rates is properly before the House for action the Members will give the subject their serious and favorable consideration to which it is entitled.

Mr. BELL. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. OLIVER].

Mr. OLIVER of New York. Mr. Speaker and gentlemen of the committee, this probably is the most difficult subject Congress has to deal with—the matter of rate making. I do not care what the rate is on, it becomes a complicated task and one which a new member on a committee finds it difficult to follow.

This bill has been declared by the gentleman from Pennsylvania [Mr. GRIEST] and by Mr. Robert Collier as a perfect bill. It may be perfect—at least, we had a committee which tried to make it as perfect as it could.

Mr. ARENTZ. Will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. ARENTZ. Speaking about a perfect bill, it comes to mind that on page 8, line 17, the committee possibly had in mind helping the farmer, but it seems to me if you are going to be a real help to him you should exclude the provision requiring the consent of the Interstate Commerce Commission to an investigation with respect to weight limits, rates, zones, and so forth.

Mr. OLIVER of New York. I have not a copy of the bill before me, but I know the provision the gentleman alludes to.

Mr. ARENTZ. I admit frankly I do not know just what that provision means and I wish if the gentleman himself does not know about it that some member of the committee would give me light upon the subject.

Mr. KELLY. Will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. KELLY. I would like to state to the gentleman that that is a provision of law that has been carried since the act of 1912. It is word for word the provision of law now and has been carried continuously with the idea of enabling the Postmaster General to go to the Interstate Commerce Commission and lay down a schedule if he desires to work out a rate which will pay the cost of the service. So far it has been left to the Post Office Committee of the House to suggest such a rate.

Mr. ARENTZ. There is no relief for the farmer.

Mr. OLIVER of New York. I hope the gentleman will yield to me now, as I have only five minutes and I want to use a few of them myself. I think farm relief is going to be up some time next week in a broader way than this, and I hope this will not be the only thing the gentleman has in mind to give to the farmers. [Laughter and applause.]

I was pointing out that it is a difficult thing for the Congress to make postal rates. There is a provision in the bill authorizing the Interstate Commerce Committee to make parcel-post rates so that the rates given to the Government will carry the cost. That is the provision the gentleman alludes to.

Mr. PEERY. Will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. PEERY. I would like to ask the gentleman his opinion as to the rates given to newspapers and second-class matter.

Mr. OLIVER of New York. With respect to the rates on newspapers I would like to see those rates established in accordance with the suggestion of the gentleman from Louisiana [Mr. SPEARING], but we can not give everybody a break in the rates. We had a jump in the rates when we raised the postal salaries and it was a quick jump. It was a jump that was probably unscientifically made; in fact, I think almost all rates made by Congress are more or less unscientific, but we are now trying to get back to a normal condition and get back to that condition as fast as we can. This bill will cause a deficit of \$13,500,000, according to the estimates of the Post Office Department. I want to discuss the subject of deficits.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. WAINWRIGHT. This bill has been referred to as a perfect bill. But was there not considerable protest before the gentleman's committee with regard to the third-class rates from the retail merchants and shopkeepers in the smaller towns who feel that their business will be affected by privilege accorded the large mail-order houses?

Mr. OLIVER of New York. No; there was hardly a word of protest about that.

Mr. WAINWRIGHT. Some of us have been receiving protests about that provision.

Mr. OLIVER of New York. That is the same old protest that was raised to the parcel post when it was said that the stores in the large cities would gobble up the trade of the merchants in the smaller towns. This probably ought to have been referred to as the perfect committee rather than the perfect bill, because we have a perfect chairman and a perfect ranking minority leader [Mr. BELL].

Mr. WAINWRIGHT. I admit the allegation so far as the committee is concerned, but I am not so sure about it so far as the bill is concerned.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BELL. Mr. Speaker, I yield one minute to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Speaker, I regret the committee did not feel it wise to report a provision in this bill restoring the 1920 rates for newspapers, particularly in the first, second, and third zones. For reasons expressed by the gentleman from Louisiana [Mr. SPEARING], I think such a provision would have been just and proper, and it also would probably have brought in more revenue.

Since no amendment can be offered under a motion to suspend the rules, it is my purpose to vote for this bill with the hope that the Senate may restore these rates and that they may be agreed upon in conference.

I have asked for this time particularly in order to call the attention of the House to a telegram from the subject from Maj. E. B. Stahlman, one of the most prominent citizens of the South and the owner and publisher of the Nashville Banner, of Nashville, Tenn., one of the leading newspapers of the country. Major Stahlman has made a very thorough and extended investigation, covering a period of several months, of newspaper rates as they relate to postal revenues.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the manner indicated.

The SPEAKER. Is there objection?

There was no objection.

The telegram follows:

NASHVILLE, TENN., February 17, 1928.

Hon. JOSEPH BYRNS,

Member of Congress, Washington, D. C.:

I am sending this telegram to you as a Member from my district with the request to call together members of the Tennessee delegation and read it to them asking them to join you in supporting the reestablishment of the 1920 postal rate on newspapers. I have been quite ill, but improving, and the indications are that within a few weeks I shall be able to go to Washington. I would go to-day if I could, but I am not able. I must therefore rely upon my good friends to stand with me and the other newspapers of the State in an effort to secure justice in connection with this postal matter. I understand the House committee will likely report a bill for a return to the 1921 rate. There is nothing in that proposition that is worth anything to newspapers of the interior in the Banner class, whose mail circulation is practically confined to a 200-mile limit, and if there ever was a question that I have investigated with great care the postal matter is the one. In 1917 I spent months visiting Chicago, Cincinnati, St. Louis, Atlanta, and other large cities to enable me to reach a definite conclusion as to the cost of handling the newspapers at these different places, and spent a solid four months in Washington City to determine from the records of the department what the real cost of transportation and handling of newspaper mail would be. I then reached the conclusion that the cost of transporting newspapers under the contract made by the Post Office Department with the railroads would not exceed more than 12 cents per hundred pounds for the first zone of 50 miles, 29 cents for the second zone of 100 miles, and 56 cents for the third zone of 300 miles; and that the cost, including all terminal charges as well as transportation, would not exceed 17 cents for the first zone, 40 cents for the second zone, and 78 cents for the third zone. I say to you in all seriousness and candor that no changes have taken place nor arrangements made by the department with the railroads for transportation since 1917 that would change the rates in the slightest respect since I made this investigation. The present rate by mail is \$2 per hundred pounds for the first two zones and \$3 for the third zone. The rate the newspapers are asking is a return to the 1920 rate, which fixes \$1.50 for the first two zones and \$2 for the third zone.

The circulation of my newspaper is now 65,000, 35,000 of which could be sent by mail if the rates were right. I am sending nearly 25,000 by express and by trucks, because of the excessive

postal rate. The department has been extremely unfair to the newspapers and lost a large revenue from the newspapers because of its unfair treatment of the newspapers. I don't care what the experts of the department and others may say, I am only saying what I know to be true; that is, that the talk about the newspapers being responsible for the deficit in the Post Office Department is without a shadow of justification. The 1920 rate would assuredly give the Government at least 100 per cent profit over and above the cost of transportation and handling, one of the things that ought to discredit the claims of the department experts who seek to support their contention by the statement that the overhead charge for carrying newspapers should be about \$4.86 per 100 pounds, and that this applies to all distances carrying a newspaper 50 miles, as well as 1,000 miles. There never was a more preposterous suggestion, and especially in the light of the fact that the Interstate Commerce Commission, and even the department itself, established a rate of \$1 per 100 pounds for carrying newspapers from New York, Boston, Philadelphia, etc., to Chicago and other western and southern cities, including Nashville, for a distance of 1,200 or more miles. I therefore reassert, and with emphasis, that there never was a time since the last contract was made by the department with the railroads some 15 years ago that the newspapers of the Banner's class were responsible for any deficit in the Post Office Department. May I not therefore ask that the solid Tennessee delegation unite with me in an effort to enact the 1920 basis of rates on newspapers and secure a vote on the question in the House. With profoundest respect and best wishes to all, believe me, your friend,

E. B. STAHLMAN.

Mr. BELL. Mr. Speaker, I yield five minutes to myself. [Applause.]

Mr. Speaker, as a matter of course, it will be impossible for anyone to discuss the provisions of this bill in the short time allotted for its consideration. I believe our committee has presented to the Congress the best postal rate bill we have ever presented. I believe it will come nearer giving general satisfaction than any bill we have ever presented.

Of course, there is some little dissatisfaction among newspaper people, but not very much. I believe they will be satisfied with the bill which we have adopted.

We have reduced the postage on post cards to one-half of the present rate. We found upon investigation that our rate of 2 cents on post cards was driving this class of mail from the mails and, therefore, we put it back at 1 cent, as I think it should have been. There was a popular demand for this reduction.

I would like to discuss at length, if I had the time, the rates on second-class matter, but in view of the fact that several members have discussed this and have expressed their opinions about it—

Mr. GREEN. Will the gentleman yield?

Mr. BELL. I will.

Mr. GREEN. If the gentleman has time in his discussion, I would like for him to bring out just what relief has been brought to the newspapers. There are several newspapers in my district that have requested relief along this line.

Mr. BELL. There is a reduction in second-class matter, that is, on the advertising portion, of \$3,860,000, based upon the actual business handled in 1927, adjusted to the prospective business which will be handled during the fiscal year 1929. This, of course, inures to the benefit of users of the second-class matter.

It will be noted by investigation that these reduced rates on second-class matter amounts to about \$3,000,000. It seems to me the newspapers will be satisfied with this.

Mr. GREEN. What would it reduce the revenues if we had gone to the 1920 rate?

Mr. BELL. I can not answer that question, because I did not investigate it. The present rate on newspapers, second class, is 2 cents per pound for the first and second zones, 3 cents for the third zone, 6 cents for the fourth, fifth, and sixth zones, 9 cents for the seventh zone, and 9 cents for the eighth zone, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions. The net loss on zone rates of advertising matter is \$58,000,000 per annum.

We combined the zones in 1925, as above outlined, but under the bill presented to you to-day we have the following zones, with rates submitted:

For the first and second zones, 1½ cents.

Third zone, 2½ cents.

Fourth zone, 4 cents.

Fifth zone, 4½ cents.

Sixth zone, 5½ cents.

Seventh zone, 7 cents.

For the eighth zone, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 7½ cents.

The rate of transient second class—that is, when sent by others than publishers or news agents—is reduced to 1 cent for each 2 ounces or fraction thereof. Your committee believes that this low rate to the users of this class of mail will stimulate its mailing and eventually produce some revenue to the department, although at present it appears that there will be a loss of about \$100,000. This reduction will be a great saving to the people who use this particular service.

It will be remembered that in 1925, under an emergency bill, we increased the postage on post cards from 1 cent each to 2 cents. We now reduce this rate to 1 cent on each, believing this will ultimately bring back into the mails that which was lost on account of the increased rate of 1925.

BUSINESS REPLY CARDS AND ENVELOPES

This is an entirely new postal feature and it is estimated that this will increase the revenue to the department \$4,000,000. This, however, is based upon claims made by prospective users of the new facility. A simple explanation of this facility is that a firm doing business in Chicago, for instance, may, in advertising its wares, inclose a postal card or envelope for reply without postage affixed, which when returned to the sender the regular rate will be paid, and, in addition, not more than 2 cents will be charged. A public demand for this service suggests that it will be popular with the business of the country generally and that it will be finally very profitable to the department.

DEFICIENT POSTAGE

All mail matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery. If the postage is short paid one rate, the additional charge shall be 2 cents, or the deficient postage. If it is short more than one rate, the deficient postage and an additional charge of 1 cent for each ounce or fraction thereof shall be collected.

This is an entirely new feature, not introduced as a revenue producing facility but as a penalty measure. It is estimated that this feature will produce revenue of approximately \$75,000.

A reduction of 1 cent per piece on parcel-post matter will be quite a saving to farmers as well as business people, and while it may reduce the revenue of the department \$2,000,000 or more, this special charge on parcel post, as carried in the emergency rate bill of 1925, was, I fear, not on a very fair basis.

LIBRARY BOOKS

On library books 3 cents shall be charged for first pound and 2 cents for each additional pound; a flat rate to the limit of first, second, and third zones or within the State in which such books are mailed, and in Texas and California. It is quite probable this will become a revenue producer.

So much has been said with reference to the deficit in the Post Office Department, and reasons assigned for such deficit, I feel impelled to submit the following table as shown by the annual report of the Postmaster General:

Profit on first class for 1927 was \$83,174,429.

Loss on second-class matter for the same year was \$84,022,702, less \$9,000,000, for "free in county," leaving a loss to the department of \$75,022,702 on second-class matter.

It has been charged, especially by new candidates for Congress, that millions multiplied by millions of dollars are spent annually by the Government and Members of Congress for penalty and franked matter, when in fact, the expenditure for both services is a mere bagatelle as compared with the enormous expenses of our Government.

The following is the report of the Postmaster General as to these much-misrepresented items of expenditures:

Penalty matter for 1927 was \$6,263,620. Franked matter by Members of Congress and Senators for the same year was \$520,691.23.

It is estimated that should this bill be enacted into law it will increase the deficit in the Post Office Department \$13,000,000, which, when added to the deficit of 1927 of \$29,000,000, will cause a deficit of about \$42,000,000.

I feel it is proper for me to say in this connection that such a deficit as will be is not due to extravagance on the part of our post office officials, but it may be well said it is due to the splendid service given the people of this great country of ours—the greatest in the world, and my observation, after 24 years of continuous service in this House is that the present Postmaster General, Mr. Harry S. New, is one of the most capable officials the United States of America has ever had.

Mr. BELL. Mr. Speaker, I yield four minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Speaker, this bill proposes a more general revision in postal rates than has ever been undertaken at

one time. Great credit is due to the members of the Committee on the Post Office and Post Roads for working out this intricate measure, but I can not bring myself fully to agree with all its provisions.

I shall direct your attention specifically to the proposed adjustment of the rates on second-class mail matter.

Second-class mail consists of periodicals and newspapers that are issued at regular stated intervals and handled by the mails to a legitimate list of subscribers. From its inception it has been a wise policy of the Federal Government to favor this class of mail with postal rates that aid in the wise distribution of news and literature. It is not necessary at this time for me to prove the beneficial results of that policy, which policy has been the prime factor in creating a unity of thought and purpose in the development of the United States, in giving us one country, one people, one flag.

For many years prior to the war all publications having second-class mail entries were given a flat rate of 1 cent per pound regardless of distance and regardless of cost. This was a subsidized rate in that the revenue was less than the actual cost of the service, although no one definitely knows or ever will know what the actual cost is in handling any one class of mail matter.

At the outbreak of the war Congress found it necessary to find new means of raising revenues to carry on its operations. At first it was thought advisable to place a tax upon advertising matter, but that principle was abandoned. It was therefore decided to include in the war revenue act of 1917 a provision for increasing the postal rate on second-class matter, first by increasing the rate on the reading portion to 1½ cents per pound and by placing a much higher rate on the advertising matter. This was purely a war measure.

Congress realized that the burden of this proposed increase of 300 or 400 per cent was too great for the publishers to absorb at one time, therefore the bill provided for four yearly increases, the first to become effective July 1, 1918, and other increases at the beginning of each succeeding year. The final rates that became effective on the advertising portion ranged from 2 cents to 10 cents per pound, based upon the distance handled.

The publishers at first felt inclined to protest, but they realized it was a patriotic duty to acquiesce and thus do their part in the prosecution of the war; but they understood that this was to be a temporary measure and that the burden would be removed when the emergency passed.

Included in the same bill were several other tax items on transportation and postal matters. After the signing of the peace terms steps were taken for the repeal of other tax items. At the present time none of the transportation taxes remain except that on the advertising matter in newspapers and periodicals.

The publishers have realized that changed conditions have greatly increased the cost of the handling of mail matter and therefore recognized that the old rates were too low and that a compromise should be found. They have agreed that a fair basis would be reached by the elimination of one-half the raise, the last two of the four increases, which would leave in effect the rates that became effective on July 1, 1919, and generally known as the 1920 rates, which were the rates that were effective during the 1920 fiscal year.

It is true that the so-called cost reports of the Post Office Department indicate that second-class mail is carried at a tremendous deficit, and I do not care at this time to go into the details as to how those figures were obtained. Personally, I do not admit that there was any such deficit, because the results were obtained by prorating all expenses of the postal operations to the various classes of mail matter, regardless of the value of the services or the conditions under which rendered.

At the hearings conducted by the House committee there was a large amount of evidence introduced to prove that the present rates on second-class matter are higher in many cases than the cost of similar services by other means. This was proven conclusively by the fact that since 1920 there has been a tremendous increase in the volume of advertising matter published in periodicals and newspapers that could move at second-class mail rates. In fact, the department admitted at the hearings that the weight of this mail matter carried in 1927 was 31,000,000 pounds less than handled by them during the fiscal year 1920. It was also shown that the actual weight of the advertising matter in only 150 publications was 106,000,000 pounds greater in 1927 than in 1920.

This 106,000,000 pounds of these 150 publications is being distributed by commercial means other than by the Post Office Department and it only represents a part of the tremendous increase in this matter that could have been handled by the Post Office Department if the 1920 rates had remained in effect. In

other words the rates are higher than the traffic can bear. These facts prove, I think, that it will be an economically sound policy to adopt the 1920 rates on second-class matter.

Second-class mail rates are applicable to approximately 29,000 publications of various sizes and with many different conditions under which they are handled. Included in this classification are newspapers that are delivered free in the county of publication and therefore pay no revenue; then there is a group of some 6,000 publications to which Congress has given a special flat rate of 1½ cents per pound regardless of weight per piece, advertising content, or distance handled, and these factors are very important elements in determining the cost per pound. I recently read an analysis in regard to one of these publications with a national distribution and was amazed to see that the difference between the postage rate paid by it on its advertising content and the rate that would have been paid had the present zone rate been applied enabled the publication to save \$205,000 per year. That is, this publication receives a subsidy of \$205,000 per year as against its competitors for the advertisements carried by it. It is undoubtedly a wise policy to give this rate and it undoubtedly creates a deficit, but it must be kept in mind that that is part of the deficit on second class that is referred to by those opposed to a proper rate on portions of second-class mail and it has nothing whatever to do with the question involved of reducing the rate on the advertising portion of commercial publications to the 1920 basis.

This second-class grouping also includes many publications of unusually small size, with known cases of where it takes over 150 of them to make one pound and when it is remembered that a pound rate applies to them in the same manner as a pound rate applies to a publication weighing one pound, although the piece element of cost is only one-one hundred and fiftieth as great, it can easily be seen what the major portion of the deficit is on such mail matter. This is due entirely to a sound policy of Congress to help these small publications.

It was shown at the hearings that the actual deficit, if any exists, on the so-called zone-rate-paying publications is due to the rate on the reading matter, which is entirely a question of the governmental policy that has been in existence since the foundation of the Government, and that there would be no actual deficit on the advertising portion by itself if we restore the 1920 scale of rates on advertising matter in such publications.

As stated before, the present rates on this advertising matter is a result of a war revenue act to meet an emergency. That emergency has passed. This bill removes only one of those four yearly increases and would have the effect of restoring the so-called 1921 rates. This does not go far enough. Congress should take immediate steps to right this wrong by restoring the 1920 rates. This would be amply justified from an economical standpoint, because it would bring back to the mails a large volume of this second-class mail matter.

I regret that the House will not be permitted to-day to vote on an amendment restoring the 1920 rates, which, in my opinion, if properly debated, would be adopted; but in view of the fact that the Senate has on two occasions approved the 1920 rates on second-class mail matter, and with the hope that the Senate may do so again, with the conferees approving, I shall vote for the passage of this bill as it is written. [Applause.]

Mr. GRIEST. Mr. Speaker, I yield five and a half minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Speaker and Members of the House, in the history of Congress there have been very few measures dealing with the revision of postage rates on so extensive a plan as this measure. While this bill does not cover all rates on mail matter, it does involve more than has been customary in such legislation, which has generally revised postal charges in piecemeal and by fractions.

The act of February 20, 1792, was the first postal rate bill under the Constitution. It served as the basis for all changes until the act of March 3, 1825, which repealed all previous rates but did not make any substantial changes in the new rates enacted.

The next revision was in 1851, and the schedules were again rewritten without any real departure from original principles. In 1863 another revision was made, which abolished the zone rates on first-class matter and established new postage charges.

The act of March 3, 1879, repealed all former rates and established the four classes of mail matter as we have them to-day. These 1879 rates were modified by bills dealing with separate classes. The 2-cent letter rate and the 1-cent a pound rate for second class were established in 1885.

These rates have been the basis during a generation. In 1917 zone rates were established for commercial second class. In 1925 we formulated a number of new rates in connection with the postal salary bill.

The 1925 changes taken with this bill before us to-day amount to a general revision of postage rates, one of the six measures of the kind in our history.

Each one of these general revisions has been followed almost immediately by laws making minor changes, indicating the strength of the protests against specific rates.

I give it as my belief that when this bill is finally enacted into law, there will be less dissatisfaction with its provisions and fewer appeals for changes than after any former rate revision.

I do not mean that this measure is perfect. I do mean that it is the result of years of patient study and considerable experimentation and resulting experience. Its provisions are not hastily drawn but are the fruits of many hearings where the representatives of every class of mail users have had their day in court. It carries with it the indorsement of the Post Office Department, whose official representative, Mr. Joseph Stewart, has made a commendable effort to cooperate with the Post Office Committee and the mail users in working out a postage-rate structure which shall be as just and fair as possible. I can not forbear to say also that the organizations representing the mail users, with few exceptions, have acted in a spirit of fair play, which proves that they consider the public interest as well as their own.

Some changes may yet be desired by certain of these organizations, but I am confident that not one of them will take the responsibility of opposing this bill exactly as it stands if such opposition should mean its defeat.

Mr. Speaker, this bill is founded on just and correct principles of postage rate making. It does not segregate the classes of mail matter and attempt to make each one self-sustaining as a unit. Such an attempt has never been seriously advocated in Congress, whose deliberate policies have made it impossible. It does not attempt to make users of paid mail matter pay for free services. This bill deals with all paid mail matter as a whole and provides aggregate revenue to cover all costs of the service given such mail matter. It puts paid mail matter on a self-sustaining basis.

Proper consideration is given the fact that the primary function of the Postal Service is to carry first-class mail matter. This great nation-wide communication organization must be maintained for that purpose. Therefore, it is fair to assess a considerable proportion of the overhead expense to this class of mail, and this is done by the retention, without change, of the 2-cent letter rate.

We have provided rates for commercial second class to assure payment of the cost of carrying the advertising portions, while the reading matter has a less-than-cost rate in accordance with traditional policy.

The third-class rates will pay all costs of handling, and the same principle is carried out as to fourth-class or parcel post.

Taking all paid mail matter in these four classes as a whole the revenues will be about \$572,463,000. This is almost exactly the actual expenditures which will be required to handle this mail matter.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. KELLY. Certainly, I yield.

Mr. WAINWRIGHT. A great many of us have heard from the retail dealers, the merchants, in our districts, objecting to certain features of the bill, particularly that it favored the large mail-order houses at their expense.

Mr. KELLY. There are only three provisions in this bill over which there is the slightest controversy. The gentleman from New York refers to one of them, that dealing with third-class mail matter. I will say that the small dealers to whom he refers do not understand the provisions if they believe there is a discrimination. The fact is that this bill carries a preferential rate for catalogues under 8 ounces in weight. That rate is 1 cent for 2 ounces and applies any distance. The big mail-order houses, with their heavy catalogues, pay parcel-post rates by zones. Those rates are higher in all except the first, second, and third zones.

We also provide a rate on regular third class, which means 1 cent for 1½ ounces where as low as 200 pieces are mailed. This will serve even the smallest retailers in the country, as well as those who send out vast quantities at one mailing.

Mr. WAINWRIGHT. Would the gentleman say, then, that the fears of that class of merchants are ill founded, as far as the rates in this bill are concerned?

Mr. KELLY. Yes; and they will learn on experience that we have given them great advantages in this measure.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. BLANTON. Even though we can not amend this bill in any particular, the gentleman is for it.

Mr. KELLY. I am for it as a fair and square postage rate schedule which is built on proper principles.

Mr. BLANTON. Under the circumstances, I will vote for the bill with the gentleman. I follow my friend from Pennsylvania on postal matters.

Mr. KELLY. The gentleman does me high honor, and I appreciate it.

Now, Mr. Speaker, let me sketch the provisions of this bill. First, I will outline the changes and the new services provided which are not in the least controversial, since they have been approved without qualification by every party concerned.

POST CARDS AND PRIVATE MAILING CARDS

This bill restores the 1-cent rate on post cards and private mailing cards. For the past three years the rate has been 2 cents.

When this change was made it was estimated that 1,250,000,000 post cards and private mailing cards were being carried in the mails. Allowing for a reduction of 250,000,000 the new rate was estimated to bring in an additional \$10,000,000 in revenue. It appears that a great mistake was made in the number formerly carried. In any case, the cost ascertainment for 1926 showed only 206,000,000 carried in 1926 and 183,000,000 in 1927.

It is probable that this increased rate has reduced postal revenues at least \$6,000,000 a year. It is eloquent evidence of the fact that a rate may be higher than the traffic will bear and results in decreased receipts.

The department now estimates that the 1-cent rate will result in decreased revenues of \$1,200,000 a year. It seems to me that assuredly the first year should witness the mailing of double the number now being carried, which would mean no loss in revenues.

COLLECT POSTAGE ON DELIVERY POST CARDS AND ENVELOPES

This bill authorizes a new postal facility which will be of great value to direct mail advertisers. It is provided that reply cards and envelopes may be mailed under proper regulations, and that they may be returned by the recipient and delivered to the sending firm without prepayment of postage.

A charge of not more than 2 cents on card or letter will be collected on delivery. It has been urged that persons who receive these reply cards for requesting catalogues, and so forth, do not use them often because they must affix postage or do not have the stamp available at the time. The advertiser will gladly pay the postage if the card is returned.

While this is a departure from the fixed rule that postage stamps must be affixed to mail matter, it is believed that it is justifiable and will be a valuable service while bringing in revenues sufficient to pay the cost. It is believed that it will lead to greatly increased use of the Postal Service. The department estimates increased revenues of \$4,000,000 as a result of this new postal facility.

Postmasters in first, second, and third class offices will receive credit on the additional postage collected while postmasters of the fourth class will receive credit on the regular rate only.

SHORT-PAID FIRST-CLASS MATTER

This bill undertakes to provide a remedy for the abuse of sending first-class mail with deficient postage. There are some concerns which have made a practice of sending large amounts of this mail of greater weights than 1 ounce with only 2 cents postage affixed.

This practice entails much additional clerical work, and the carriers are obliged to keep separate records and collect the postage due. An attempt to end this practice is believed justifiable.

If the postage affixed is deficient by one rate, the charge is made 2 cents, which is the postage due. This will care for all cases of inadvertence and incorrect estimate.

If the shortage is more than one rate, there must be payment of the postage due and 1 cent additional for each ounce or fraction thereof.

TRANSIENT SECOND CLASS

What is known as second-class matter consists of newspapers and other publications mailed by others than publishers and news agents.

There was more widespread complaint about the rate on this class than on any other rate in that law. The old rate had been 1 cent for 4 ounces, and this was universally agreed to be too low. The act of 1925 made the rate 2 cents for 2 ounces up to 8 ounces, and parcel-post rates above.

The increase was too great, and resulted in a great falling off in the mail matter under this classification. The department reports that in 1923 about 100,000,000 pieces of transient second class were carried. In 1926 the number was about 49,000,000 pieces.

In 1923 the weight was reported as 43,000,000 pounds, and in 1927 as 11,000,000 pounds.

This bill cuts the current rate in two and makes it 1 cent for 2 ounces. The department estimates a net loss in revenues of \$100,000. Surely the restoration of a great part of the pieces which have gone out of the mails will cover the estimated loss. The new rate will bring in 7 cents a pound and will pay for the entire cost of handling.

LIBRARY BOOKS

In this bill we have a new classification through which library books sent from and returned to libraries, organizations, and associations not organized for profit shall be given a special rate.

At the hearings before the committee a strong case was made for this provision. We have limited it within a distance of 300 miles or within the State in which mailed. The rate is 3 cents for the first pound and 2 cents for additional pounds.

The advantage may be seen by comparison with present parcel-post rates. For instance, a 2-pound book sent to local, first, and second zones now costs 8 cents. Under the new rate it will be sent for 5 cents. In the third zone the charge is 10 cents and under this bill it will be 5 cents.

It is said that there are 42,000,000 people living in rural areas in the United States, or in very small towns, where there are no public libraries. This low rate on books will enable these people to take advantage of libraries in the cities, and will serve in some degree as a means of educational advancement.

SPECIAL DELIVERY AND SPECIAL HANDLING

The act of February 28, 1926, established a new service known as "special handling." It was provided that the payment of 25 cents would secure to fourth-class mail matter the same expeditious transportation and handling as first class.

In view of the fact that this additional payment and the regular parcel-post rates are far less than the first-class rate this service offers a great advantage. However, it has not been as popular as had been expected.

In this bill we give a combined special delivery and special handling. Parcels up to 2 pounds will be 15 cents; between 2 and 10 pounds, 25 cents; over 10 pounds, 35 cents.

Those who desire only the special-handling advantage may have it for parcels up to 2 pounds by the payment of 10 cents; for parcels between 2 and 10 pounds, 15 cents; and over 10 pounds, 20 cents.

The bill also increases the fees paid to special-delivery messengers. For delivering mail matter of the first class up to 2 pounds, the fee will be 9 cents; for other than the first class, up to 2 pounds, the fee is 10 cents; for any class between 2 and 10 pounds, 15 cents; and for any class above 10 pounds, 20 cents.

Mr. Speaker, there is unanimous agreement as to the adoption of these provisions I have mentioned. Differences of opinion can only arise as to the specific rates recommended for advertising portions of commercial publications, circular mail, and parcels post.

Let us consider these rates so that the reasons for fixing these rates may be understood by all.

SECOND-CLASS MAIL RATES

For 11 years there has been continual agitation and protest, study and experimentation as to second-class rates. The war revenue act of 1917 established a new policy for these rates and assessed zone rates upon the advertising portions of commercial publications.

This class embraces all newspapers and other periodicals issued at stated intervals and entered under the postal requirements. These requirements as fixed by law are as follows:

First. The periodical must regularly be issued at stated intervals, as frequently as four times a year, bear a date of issue, and be numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed sheets of paper, without board, cloth, leather, or other substantial binding.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and have a legitimate list of subscribers: *Provided, however,* That nothing contained herein shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

According to the report of the Postmaster General for the fiscal year 1927, there are 29,531 publications entered in the various post offices as second-class mail matter under the above requirements of the law.

These publications having second-class entry are divided into a number of subclasses for various reasons. The main divisions as far as postage rates are concerned are as follows:

First. Free in county; that is, publications delivered free by the Post Office Department in the county of publication.

Second. Religious, scientific, fraternal, and so forth, publications not conducted for private profit, on which a flat rate of 1½ cents per pound applies regardless of distance carried or the advertising content.

Third. Other publications containing 5 per cent or less advertising, on which a flat rate of 1½ cents per pound applies.

Fourth. All other publications which take a combination rate of 1½ cents per pound on the reading matter, and a zone rate on the advertising portion which increases with the distance.

From the beginning of the United States Postal Service it has been the traditional policy to encourage the dissemination of knowledge and information by low postal rates on periodicals.

In 1793 President George Washington recommended that public prints be sent through the mails without any charge. In making this request of Congress, he said:

There is no resource so firm for the Government of the United States as the affections of the people, guided by an enlightened policy, and to this primary good nothing can conduce more than a faithful representation of the public proceedings diffused without restraint throughout the United States.

The first congressional act dealing with postage rates fixed rates on letters by zones. A single letter sent 30 miles cost 6 cents; over 450 miles, 25 cents. Letters of two sheets took double rates. A letter weighing an ounce paid the rate of four single letters.

In this same bill newspapers carried 100 miles paid 1 cent and over 100 miles 1½ cents.

It may thus be seen that the original policy was to grant extremely low rates to newspapers and periodicals.

By the act of 1825 papers were ordered sent through the mails free for distances within 30 miles of the place of publication. This was repealed two years later and all papers made subject to postage, but all persons having the franking privilege were given the right to frank newspapers.

In 1851 weekly newspapers were ordered sent free within the county of publication.

In 1879 the rate was reduced to 2 cents a pound for all publications and this rate was further reduced to 1 cent in 1885.

This 1 cent a pound rate continued for 32 years or until the war revenue act of 1917.

Abuses were certain to creep in and a multitude of publications secured this low rate when by no stretch of the imagination could they be said to disseminate knowledge and information.

Postmasters General complained of the violation of the real purpose of these low rates. It was not the loss on legitimate newspapers which cried for remedy; it was the misuse of the second-class privilege.

In 1917, through the war revenue act, a change was made in the rates accorded second-class matter. While confirming the traditional theory of a very low rate on reading matter, the Ways and Means Committee differentiated between reading matter and advertising columns. The committee said in substance, "We will fix a permanent rate of 1½ cents a pound on reading matter in ordinary commercial publications any distance. We will fix zone rates on the advertising in four successive increases in order to make the advertising contents pay all the cost of handling such advertising matter."

Now, waiving the obvious argument that it is the advertising contents which make the publication possible, the fact remains that Congress did enact its determination to make the advertising part of the newspaper pay the cost, while the reading portions were deliberately given a rate much lower than actual cost.

The war revenue act of 1917 provided for four yearly increases and the act of 1925 made certain changes, as follows:

	July 1, 1918	July 1, 1919	July 1, 1920 ¹	July 1, 1921	Present rates ²
Other than advertising portion, all zones.	Cents 1½	Cents 1½	Cents 1½	Cents 1½	Cents 1½
Advertising portion:					
Zones 1 and 2.....	1½	1½	1½	2	2
Zone 3.....	1½	2	2½	3	3
Zone 4.....	2	3	4	5	6
Zone 5.....	2½	3½	4½	6	6
Zone 6.....	2½	4	5½	7	6
Zone 7.....	3	5	7	9	9
Zone 8.....	3½	5½	7½	10	9

¹ Rates in H. R. 12030.

² Act Feb. 28, 1925.

In this bill we have fixed the rates which went into force on July 1, 1920, and since they applied during the fiscal year 1921 are usually termed the 1921 rates.

To-day the rate on reading matter in all periodical publications is 1½ cents a pound, and it matters not whether it is sent 10 miles or 3,000 miles. For policy reasons that same rate applies to all portions of religious, scientific, and similar publications not published for profit. For administrative reasons it also covers all publications containing less than 5 per cent advertising.

This is the principle upon which second-class rates are assumed to be made:

Reading matter at a nominal rate in order to encourage the widespread dissemination of intelligence and information; advertising portions of commercial publications must pay the cost of handling such portions.

That has been the plain purpose of Congress since 1917. The confusion and misunderstanding have been due to the cost-asertainment reports which have counted all classifications of the second class together, and have not differentiated between reading matter and advertising matter. As a result, the loss shown gives an erroneous picture of the true situation.

That there is a great loss on the reading matter is accepted. It was so decreed by Congress when it took action, knowing that the cost is several times the charge of 1½ cents a pound.

The revenues from the advertising portions were designed to pay the additional cost of carrying such advertising matter and no more.

The real question involved is, "Will the rates carried in this bill bring in revenues to pay such additional cost of handling?"

To that question there can be but one answer after complete study. These rates will pay that cost and more besides.

The only place we can secure figures of any kind is in the cost ascertainment. I have pointed out many times that the methods used in this calculation are explicitly declared by the department not to be such as can be used for just rate making. In this report all classes of mail matter are treated in exactly the same manner, just as though a railroad company should apportion costs on carrying coal and automobiles on the same basis. It simply can not be done in determining costs.

However, taking these figures just as they are, with their unwarranted gains for first class and their unwarranted losses to second, third, and fourth classes, let us see what we shall find.

This report shows that the weight of the preferential rate publications, the religious, scientific, and so forth, is 144,339,000 pounds. On this weight, I was informed by the department, the loss is estimated at \$16,000,000.

Now, the total weight of the publications paying zone rates for advertising is 1,249,960,000. The proportion of half reading and half advertising would make the weight of the reading matter 624,980,000 pounds. This is carried at the flat rate of 1½ cents a pound.

This is about four and one-half times the weight of the entire religious, scientific, and so forth, class, so that the loss in carrying the reading portions of these newspapers is about \$72,000,000.

The cost ascertainment states that the loss on all second-class mail matter is \$84,000,000. This includes the loss on free in county, religious, and scientific, 1 cent per pound for local delivery, etc. If we take the free in county, religious, scientific, and so forth, only at the estimates furnished me by the department, we must deduct \$25,000,000, which would mean a loss of \$59,000,000 on the zone-rate newspapers.

We have seen that the loss on the reading matter alone is \$72,000,000. Therefore the difference is \$13,000,000, which is the amount paid at present rates above the cost of handling such advertising portions.

It is estimated that the return to 1921 rates provided in this bill will reduce revenues by \$3,860,000. On the calculation I have just given, there will still be receipts of considerably more than the additional cost of handling the advertising portions.

It is true that it is impossible to figure this out with exactness. The department has given other figures as to the losses on these various subclasses. Even using the apportionment expense as it is given in the cost ascertainment, I believe that under the rates carried in this bill the advertising portions will more than pay their own way.

Another justification for a reduction in these rates is found in the records of advertising matter handled by the Post Office Department since 1920.

In 1920 the weight of the advertising matter in all these publications subject to zone rates was 599,098,270 pounds.

In 1923, with the increases in second-class rates, the total of the advertising matter was 551,353,779 pounds. This was a reduction of 50,000,000 pounds in the advertising matter carried by the department, although there was a considerable increase in other classes of mail and also in the advertising matter in publications carried outside the mail.

The evident cause of this reduction is that the rates were high enough to drive considerable matter out of the mail, and it found other means of transportation.

One of the fallacies in connection with second-class rates has been the belief that the loss in this class was due to the weight and volume of the large publications. The fact is that on any publication weighing a pound and over there is a profit to the department on the present rates and on the apportionment of cost used in the cost ascertainment. This was admitted at the hearings by the department representative.

The truth is that 70 per cent of the Post Office Department expense in carrying second-class mail is handling charge, and this is largely determined by the per piece cost. Some publications of this class run more than 100 pieces to the pound. The department must therefore handle, transport, sort, and deliver 100 pieces of this kind to one of a publication weighing 1 pound. Besides this, the leaflet publication usually carries less than 5 per cent of advertising and takes the 1½ cent a pound rate, while the heavy publication pays high rates on its advertising publications.

The representatives of the second-class mail users who pay zone rates requested a return to the zone rates known as the 1920 schedule. This would leave two of the four advances provided for by the war revenue act of 1917.

The publishers argued that these rates brought the best returns in revenue and that the later increases have diverted the mail to other means of handling. It was stated that in many instances these publications are being transported by private distribution systems.

The Post Office Committee of the House has for years studied this problem of second-class rates, which is the most difficult and involved of all postage rates. The numerous subclassifications and the variety of charges fixed for policy reasons add to the complex features involved.

This measure deals only with the advertising portions of the commercial publications. The return to 1921 rates is abundantly justified by the facts, and the committee urges its adoption.

THIRD-CLASS MAIL

Under this bill the users of third-class or circular mail will receive substantial benefits. According to the Post Office Department the rates provided will reduce the revenues for this class by \$10,500,000 per annum.

Before the act of February 28, 1925, third-class matter covered printed matter weighing less than 4 pounds, and the rate was 1 cent for each 2 ounces or fraction thereof.

That act changed the third and fourth class limits and threw into third class all merchandise and printed matter weighing 8 ounces or less and provided a rate of 1½ cents for each 2 ounces. A preferential rate of 1 cent per 2 ounces was given books, catalogues, seeds, and so forth.

As applied to the bulk of third class the new rate meant an increase of 50 per cent. The action was taken in an effort to make this class pay the cost of service, which the cost ascertainment said it was failing to do by \$16,291,000 per year.

It must be remembered that the transfer from fourth class of mail matter up to 8 ounces was a great reduction on a large quantity of mail, because the rate on such mail matter had been 1 cent an ounce up to 4 ounces and parcel-post zone rates beyond that weight.

However, the increased rate aroused great opposition. At the hearing before the Post Office Committee third-class mail users declared that it had reduced their mailings to a considerable extent. From all figures available it is probable that the rate has reduced the volume of third-class mail.

The bill before us does not restore the old rate of 1 cent for 2 ounces in so many words, but it accomplishes practically that result. Under the old rate the average circular sent weighed less than an ounce, but it required a 1-cent stamp. Under the quantity and pound provision carried in this bill the mailers will send circulars weighing up to 1½ ounces each for 1 cent.

Where 200 pieces, or 20 pounds in weight, of identical pieces are mailed the rate is 12 cents a pound, with a minimum charge of 1 cent for each piece. This will accommodate even the smallest mailers, since no one will send fewer than 200 pieces of this direct advertising mail matter.

It is also provided that precanceled stamps may be used and this will permit the mailers to use the pound rate and at the same time have individual stamps affixed. The bill permits the Postmaster General to require large users to route and sack their mail so that handling charges will be lessened.

While a very large loss in revenues is estimated as a result of these rates, I believe that experience will prove that revenues will eventually be increased because of them.

It is not fair to charge third class with the same apportionment of expense as first class receives. It is not given the same treatment. It is sorted and distributed by post-office clerks only after first-class mail is handled. It is sent to terminals instead of being distributed on postal cars. Letter carriers give preference to first class on delivery. There is no directory service such as is given first class. It is really fill-in mail and should be so considered in cost keeping.

I believe that the rate provided in this bill will increase the volume of third class and will result in greater returns than the present rates.

FOURTH-CLASS MAIL MATTER

By the reclassification in the act of February 28, 1925, there was taken from fourth class all packages weighing 8 ounces or less and there was added former third-class matter weighing over 8 ounces and not exceeding 4 pounds. There was no change in the specific zone rates, but a 2-cent service charge was added for all parcel post save that originating on rural routes.

At the time this change was made it was reported through the cost ascertainment that the loss on parcel post was approximately \$7,000,000.

It is now estimated that the loss for 1927 was \$4,479,000.

Under this bill the present rate on parcel post in the fourth, fifth, sixth, seventh, and eighth zones is reduced 1 cent. The preferential rate on parcel post originating on rural routes is still carried.

The Post Office Department estimates that the loss to revenues by this reduction will be about \$2,000,000 a year.

It is generally agreed, and was so stated in the original parcel post law, that this class of mail matter should bear the total cost of the service. I admit that it is unfair to charge it with the same overhead cost as first class and it is probable that there will be no actual loss in fourth class after these rates go into effect.

However, any attempt to go further than we have done, especially as has been suggested, by the fixing of a rate of 5 cents for the local zone, would be disastrous.

Parcel-post and express matter handled by private companies are on a similar basis. The Interstate Commerce Commission fixes express rates. What is their method of fixing these rates? They have three factors. First, there is a 35-cent minimum terminal charge, and this applies to every shipment. If a shipper sends a 1-pound package 10 miles by express, this 35-cent charge must be paid. The second factor is the cost of straight transportation and the third is general overhead expense and the profit to the company.

This basis of rates was adopted after the most thorough consideration by the governmental body charged with the protection of the public. Can anyone argue that even the local rate of 7 cents provided in this bill is as high as it should be? The Post Office Department strongly urged a 10-cent rate in 1924, believing it to be necessary.

Think what must be done in handling a parcel in the local zone of New York City, for instance. The mailer goes to a substation, where a clerk weighs the parcel and sells the stamp. That stamp must be canceled. The parcel is routed by another clerk. It is sent to the main office or another substation by motor vehicle. It is again handled by a post-office clerk and is taken by a parcel-post carrier and delivered to the addressee.

It is not like letters in first-class mail. Each parcel-post package is a separate and distinct handling. Only the efficiency of the Postal Service to-day prevents the present local rates from cutting disastrously into postal revenues. In many cities the parcel post is used by department stores for shipment of purchases.

Nor is the local rate and the other rates inclusive of a service charge for which no service is given. The so-called 2-cent service charge was adopted in 1925 as the most convenient plan of increasing the rate, so that it would include a slightly nearer approach to the charge which the express companies call a terminal charge. It was placed on the first pound for that purpose and no other.

Mr. Speaker, I have prepared a table which shows at a glance the changes made by this bill. It is as follows:

Statement showing comparison between old rates, 1925 rates, and proposed rates

Class	Mail matter	Old rate	1925 rates	Proposed rates
First.....	Post cards, private mailing.....	1 cent each.....	2 cents each.....	1 cent each.
Second.....	Transient.....	1 cent 4 ounces.....	2 cents 2 ounces; over 8 ounces, parcel post.	1 cent 2 ounces.
	Publishers: Scientific, religious, etc., newspapers, periodicals, reading matter, 1½ cents pound.	1¼ cents pound.....	1½ cents pound.....	1½ cents pound.
	Advertising: Zones 1 and 2.....	2 cents pound.....	2 cents pound.....	1½ cents pound.
	Zone 3.....	3 cents pound.....	3 cents pound.....	2½ cents pound.
	Zone 4.....	5 cents pound.....	6 cents pound.....	4 cents pound.
	Zone 5.....	6 cents pound.....	do.....	4½ cents pound.
	Zone 6.....	7 cents pound.....	do.....	5½ cents pound.
	Zone 7.....	9 cents pound.....	9 cents pound.....	7 cents pound.
	Zone 8.....	10 cents pound.....	do.....	7½ cents pound.
Third.....	Printed matter.....	Up to 4 pounds, 1 cent each 2 ounces; over 4, parcel-post rates.	Under 8 ounces, 1½ cents 2 ounces; over, parcel post.	Under 8 ounces, 1½ cents 2 ounces; 200 pieces or 20 pounds, 12 cents pound.
	Books, catalogues, seeds, etc.....	Under 8 ounces, 1 cent 2 ounces; over 8 ounces parcel post.	Under 8 ounces, 1 cent 2 ounces; over, parcel post.	Under 8 ounces, 1 cent 2 ounces; over parcel post.
Fourth.....	Merchandise over 8 ounces: Local zone.....	5 cents first pound; 1 cent each additional 2 pounds.	7 cents first pound; 1 cent additional 2 pounds.	7 cents first pound; 1 cent additional 2 pounds.
	Zones 1 and 2.....	5 cents first pound; 1 cent each additional pound.	7 cents first pound; 1 cent additional pound.	7 cents first pound; 1 cent additional pound.
	Zone 3.....	6 cents first pound; 2 cents additional.	8 cents first pound; 2 cents additional.	8 cents first pound; 2 cents additional.
	Zone 4.....	7 cents first pound; 4 cents additional.	9 cents first pound; 4 cents additional.	8 cents first pound; 4 cents additional.
	Zone 5.....	8 cents first pound; 6 cents additional.	10 cents first pound; 6 cents additional.	9 cents first pound; 6 cents additional.
	Zone 6.....	9 cents first pound; 8 cents additional.	11 cents first pound; 8 cents additional.	10 cents first pound; 8 cents additional.
	Zone 7.....	11 cents first pound; 10 cents additional.	13 cents first pound; 10 cents additional.	12 cents first pound; 10 cents additional.
	Zone 8.....	12 cents each pound.....	14 cents first pound; 12 cents additional.	13 cents first pound; 12 cents additional.
	Mailed rural routes.....		2 cents less parcel.....	2 cents less local first, second, and third; 1 cent less fourth, fifth, sixth, seventh, and eighth zones.

Mr. Speaker, I have reviewed the provisions of this bill with a view to showing that they are sensible, fair, and consistent with proper methods and principles of postage-rate making.

This bill is built on the basis that the Post Office establishment is an institution for the service of the American people and not for profit making.

The postal experts in the department declare that it will reduce revenues by \$13,500,000. At the same time there is a reported deficit in the department of \$28,000,000.

What does that mean? It means that that so-called deficit is not a deficit at all and should not be covered from postal revenues. That deficit is made up of free and partly free services performed for the public by the nation-wide postal organization by direction of Congress.

When this bill was introduced it contained an accounting section known as section 7. It contained in part the provisions of H. R. 89 introduced by myself.

The Post Office Committee after consideration decided to report them as separate measures and they were approved by the subcommittee and the main committee at the same time and ordered on the calendar. In fact, H. R. 89 is the justification for this bill, which reduces revenues in the face of a so-called deficit.

If we eliminate the free and partly free services as a charge against postal revenues, there is no deficit to-day in the Postal Service. In spite of the estimated loss of \$13,500,000 by the operation of this bill, I am certain that in two years there will be a gain rather than a loss through these rates.

The Postal Service of the United States is the greatest expense-absorbing industry in the world. Through normal increase in volume, increased efficiency of the personnel, almost a billion dollars of increased costs have been absorbed in the last eight years.

The Postal Service can take on increased volume without proportionate increase of cost. It has proved that in the past and it will prove it in the future. If we will set the compass definitely and permanently for the goal "Service not profits" we will witness achievements in efficiency and usefulness which will outdo the splendid accomplishments of the past.

The SPEAKER. The time of the gentleman from Pennsylvania has expired. All time has expired. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken.

Mr. BLANTON. Mr. Speaker, I think there should be a record vote. At least, I ask for a division.

The House divided; and there were—ayes 220, noes 0.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

EXTENSION OF REMARKS—POSTAL RATES

Mr. O'CONNOR of Louisiana. Mr. Speaker, Members of the House, availing myself of the privilege granted to all Members of the House to extend their remarks on H. R. 12030, a bill to

amend title 11 of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes. I desire to say that I voted for the bill, but like many other Members regret that there was no opportunity to offer any amendment. The bill was considered and passed under a suspension of the rules, which procedure does not permit of any amendment but requires a two-third vote. The vote was unanimous, but I reiterate there were many Members who regretted that the bill was considered and passed under a suspension.

I was one of those who felt that the bill should have been considered either under the rules of the House on Calendar Wednesday or a special rule, which would have granted ample time for floor debate and that consideration which the importance of the bill justifies. To say that Congress under such circumstances as were met in the consideration of this bill under the suspension of the rule is a deliberative body is to make a mockery and a jest of the word. Five minutes given to members of the committee to present their views and answer questions in the National Assembly of the United States, the greatest territorial entity in existence with the possible exception of Russia and of a Republic whose boast is that it numbers a population of a hundred and twenty million souls all more or less interested in the pending bill, speaks for itself the travesty that parliamentary procedure sometimes assumes. Of course, there are many advocates of such a procedure who justify its operation on the ground that it is the most expedient way of securing the end in view, and they vindicate it further on the pretext that it is no more tyrannical, oppressive, or even absurd, than the previous question or the point of order. The point of order to a large extent prevents the House or its Committee of the Whole House from passing upon what, in some instances, is desirable legislation and places that authority in the hands of the Chairman of the committee or the Speaker of the House as the case may be. But, listen, if it is not promptly made the right to make it is lost. This is in mitigation of the harshness of the procedure and is an admission that it should be sustained only when the overwhelming necessity of the case demands. And listen, that which the Chairman of the Whole House or the Speaker of the Whole House may hold to be out of order can be made in order the following day by a rule from the Committee on Rules.

The ancient Egyptians were said to change the attitude of the people on many important matters by a parade of the priests of the temples holding on hieroglyphics that might not have been discernible or if that was so, not understandable by the masses who nevertheless were mysteriously impressed by the ceremony. We find that even such an august body as the House of Representatives yields complacently when a few written symbols are placed upon a piece of paper and are solemnly offered by the chairman of the Committee on Rules, the high parliamentary priests of our assembly. But that is another story and I may dwell upon it some other time. Why may I ask was this bill considered under a suspension of the rules?

Because the administration leaders knew that if the bill was considered under the ordinary rules the 1920 postal rates would be restored and that some deficit might occur as a result of that restoration. The House therefore had to be restrained from doing what it would have undoubtedly done had it been given the opportunity, for nearly everyone is convinced that the deficit would be negligible compared with the results that would flow from a cheap newspaper service. From the beginning of this Government it has been generally admitted that newspapers are an extension of the school system of this country, more certainly so than colleges, universities, and libraries. And yet the encouragement given to the newspaper extension of the school system as contrasted with the financial aid and assistance to the schools themselves by the Federal, State, and municipal governments is distressingly insignificant. Do not misunderstand me; I am not complaining about the expenditures made upon our schools. I am complaining as bitterly as I can at the lack of vision on the part of those whose duty it is to see and at their failure to give a modicum of encouragement to the newspapers and the magazines, the creators of that indispensable factor in the life of our great Republic, public opinion, which is the crystallization of national thought upon any subject.

The press—the newspapers aggregating 29,000—is the crowning glory of the educational system. No one disputes the educational value of journals, newspapers, magazines, weekly and monthly. No one disputes that public sentiment is crystallized into that overshadowing factor in the life of the Republic, public opinion by the newspapers of the country. "I care not who write the laws of a country if you permit me to write its songs," said Fletcher. The average American may well stand up to-day and say, "I care not who write the laws of the country if you permit me to own its newspapers." That is an attestation of a power possessed by not one of the three coordinate branches of the Government, even if it is possessed by the three combined, which is doubtful. Jefferson in a day when newspapers had not become the intellectual force that they are to-day declared that if he had to choose between a country with a constitution and no newspapers and a country with no constitution and newspapers he would prefer and take the latter. I hope that the Senate will amend this bill so as to make for a return of the 1920 rates on newspapers and that the House will concur in that amendment, or if there be a conference report that the House will support that report in the event that it includes such a Senate amendment as I have referred to. If it be true that the pen is mightier than the sword, and that maxim of present-day life seems to be generally subscribed to, why worry about an insignificant deficit when we are appropriating hundreds of millions for guns and war vessels which, though necessary for national defense, are not such potent factors for the security of the Republic as the news which, on the wings of the morning, brings knowledge into millions and millions of homes throughout the length and breadth of the land. And knowledge means power, individually and nationally. "Ye shall know the truth and the truth will make you free."

Mr. NELSON of Missouri. Mr. Speaker, the bill H. R. 12030 has been referred to as a perfect bill. While I do not regard it as such, I believe that with possibly one exception, all the changes authorized in the bill are desirable.

My objection is that proposed reductions in postal rates are not sufficient. Take for instance, the small reduction given newspapers. It represents a cutting off of but one-fourth the amount represented in the various postage increases on newspapers since the World War. A 50 per cent reduction should have been granted at this time. The press of the country, notably the rural press, has given to the Government and to the promotion of local welfare many columns which, if paid for at regular rates, would have represented a very substantial source of income. To-day there is no greater stabilizing influence than a free, honest, and untrammelled press.

The return of the 1-cent private mailing card will be welcomed by users generally. When the rate was advanced to 2 cents, the use of such cards was very largely discontinued, with resulting loss to the Government.

Another feature of the bill in which I, as a Representative of a great agricultural district, am vitally interested has to do with the postal charges, including so-called special-handling and special-delivery charge on baby chicks. The central Missouri district which I represent produces annually some 5,000,000 baby chicks. Not only are shipments made locally, but they go to practically half the States in the Union. Ever since the unreasonable rates which the present bill seeks to correct, in a limited way, at least, went into effect I have had strong and proper protests from the owners of hatcheries. During a past session of Congress I took this matter up with the Post

Office Department, but without satisfaction to myself or relief to those who were so directly interested. Postmaster General New, in a letter under date of September 18, 1925, and which was in reply to one I had written him, strongly defended the 25-cent charge which became effective April 15, 1925, and to which proprietors of hatcheries had objected. The fact that some concession is now proposed is proof that the complaint as registered was not without foundation.

On September 2, 1925, Mr. H. S. Smith, of the Smith Hatcheries, wrote:

It is my opinion that this is an exorbitant charge for special handling of small boxes on short trips, even though they received the utmost care. I also do not believe the chicks receive any more special care than they did before this charge was placed on them. Just last week we had a shipment down in one of the Southern States that was carried over 100 miles beyond its destination, and the chicks were so weakened upon arrival that they all died the first day. The Postal Department is losing much business from the hatcheries because of this high charge. In most all cases where the chicks do not go out on the rural routes hatcheries are making shipment by express, as they have some protection in this way and the rates are very little more on small shipments and cheaper on large shipments.

After the adoption, in 1925, of the rates on shipments of baby chicks and which is now proposed to lower a little, George P. Player, of the Star Chick Hatchery, Westphalia, Mo., wrote in part:

A box of 25 chicks that on April 14 cost 8 cents to ship, the same box cost 37 cents to ship on April 15. The 50-size and 100-size boxes increased proportionately, and it had the effect of our shipping everything we possibly could by express, both because the express rate was cheaper, and we could insure the packages and collect the money for damage from the express company, the latter of which we could not do when shipping chicks by parcel post. For instance, the postmaster accepts the shipment of chicks and insures them and it means only that the additional postage paid for insurance is all the sender can possibly get, i. e., which spells a loss—as the Government will not pay for lost shipments or damaged shipments of chicks even though they are insured. This increase in parcel-post rates has caused nearly all of the merchants who shipped stuff by parcel post to turn to express. This proves the fallacy of the increased rates.

On February 3, 1928, Mr. Player in a letter to Resse V. Hicks, managing director of the International Baby Chick Association, 127 Wirthman Building, Kansas City, said:

It is a well-known fact that the volume of chick shipments has caused the Postal Department to sit up and take notice, so to speak, and the volume is ever increasing. Personally, I have always contended that the special handling charge meant nothing and was only one means of increasing the parcel-post rate. We actually have had more losses under the special handling charge methods than we had before it was assessed. I believe I have written you about this once before. The rates on baby chick shipments should be made the same as other parcel-post matter, weight taken into consideration. The tying of two boxes of chicks together is very detrimental and seldom do we ship chicks in this way.

For your information, we do nearly all of our shipping by express as the rates on as many as 500 chicks or five boxes is anywhere from one-fourth to one-half lower for the same amount of weight as the parcel-post rate, and the express company insures our chicks, and no matter whether there is one or all dead, they pay the claims that are made. This the Government will not do with parcel-post shipments on chicks. As the matter stands regarding shipping, the express is far more preferable than parcel post.

In connection with this question, I include in full the following letter from the proprietor of one of the largest hatcheries in the United States:

COLUMBIA, Mo., February 3, 1928.

Hon. W. L. NELSON,
Washington, D. C.

DEAR MR. NELSON: I have recently received information that some adjustment of postal rates was considered, and would especially call your attention to the fact that the hatchery men of the United States, who ship chicks by parcel post, are receiving comparatively no service for the special-handling stamp of 25 cents that we are requested to put on each package of chicks.

The mail agents are destroying as many chicks as usual this spring by getting the boxes against hot pipes or hot radiators. They carry as many past the point of delivery and, in fact, we have never received any evidence of any service, either in care or time of delivery, at the post office, or in the mail car, since this special-handling stamp has been required.

We believe it only fair that if they expect us to use this stamp—and it is a tax or expense to my business of several thousand dollars a year—that some visible service ought to be received for this outlay.

The fact of the business is, I am now shipping more than half of my output by express; first, on account of the expense being less to ship by express to many points; and, second, the extra service that the express company gives us.

We think it should be clear that the hatchery men have never asked for any adjustment of chicks at point of delivery; what they have asked for is a report of the condition of the chicks on delivery and, of course, adjustment could be made, based on this report.

The express company makes this inspection and also pays us for the dead chicks on arrival, without extra fee; and my settlements for losses on chicks with the express company last year were very satisfactory.

It does seem to me a little strange that the express company can carry 1,000 chicks, for instance, to some point in Virginia at a less charge, inspect the chicks when they arrive, take good care of them on the way—because they do—and agents follow implicit instructions to care for chicks; then when they arrive make the inspection, make the report, and then make payment for the dead chicks; and then give all this carriage and service at less cost than the Postal Service would cost us, even in the limited way that we get service at this time. At the same time the express companies are eager for this business, and it certainly pays them a profit.

We sometimes wonder if there is a concerted effort to turn this business back into private hands, or if private enterprise is so much more efficient and loyal than the public service that it gives this difference.

If for this special-handling fee the Post Office Department would give some sort of a reasonable guarantee or insurance on chicks, and at the same time provide for an inspection when the chicks arrive, it would be a service that is very essential and would, at least, furnish some reasonable grounds upon which to base the reasons for the change of the special-handling service.

There is no question but what the hauling of baby chicks is gradually drifting into the hands of the express company. We see no reason why the Postal Service should not be equal to the express service and at or below the price that they charge.

We believe that these facts ought to be brought out clear and presented to those who are interested in making fair adjustments.

We remain,

Very sincerely yours,

MISSOURI POULTRY FARMS,
PER MANUEL DRUMM.

An unreasonable charge in connection with the shipment of baby chicks means either lower prices paid farmers from whom the eggs are purchased or higher prices to be paid by the purchasers of baby chicks. So that any relief afforded in the way of lower rates, while it may result in increased business for the proprietor of hatcheries, is for the benefit of a vast number of people.

As the proprietor of the Versailles Missouri Hatchery, in protesting the higher rate at the time it went into effect, wrote:

Passing the expense on to the consumer does not solve the question, either, for any increase in cost at this time certainly does not stimulate business.

The rates on fourth-class matter up to the fourth zone remain unchanged. For the more distant zones a reduction, not of 1 cent per pound, but of 1 cent on the first pound only is made. This is so slight as to be only a gesture. Some real relief, while inadequate, is afforded in the proposed combined special delivery and special handling rate. Parcels up to 2 pounds would be 15 cents; for 2 to 10 pounds, 25 cents; over 10 pounds, 35 cents. Where special handling alone is desired charges would be, 2 to 10 pounds, 15 cents, and over 10 pounds, 20 cents.

While commending the bill as a whole I entertain the hope that the Senate may see fit to change it in some particulars and especially as regards the matters to which I have referred.

BATTLE FIELD, KINGS MOUNTAIN, S. C.

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11140) to provide for the inspection of the battle field of Kings Mountain, S. C., with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk reported the Senate amendment.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is that an omnibus provision in the Senate amendment?

Mr. McSWAIN. No; it is not. It is a provision to the effect that the commission created by this bill shall work in conjunction with the War Department commission.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, this amendment just demonstrates how entirely unnecessary is the bill. We have a general commission authorized to study all of these old battle fields, to do what is proposed to be done in this special bill. Having passed a special bill for the gentle-

man's important battle field, the Senate put on an amendment providing that the special commission shall advise the general commission.

I believe that it is well. I favor the amendment because I think it ought to be demonstrated to the House that we do not need these special commissions.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I will if I have time to yield.

Mr. BULWINKLE. I wish to say to the gentleman that the commission already created in the War College never has been on the battle field at all.

Mr. CRAMTON. They better get out on it and thus avoid having things put over them.

Mr. LAGUARDIA. I believe when special bills come in for specific battle grounds they will be referred to the general commission.

Mr. O'CONNOR of Louisiana. Mr. Speaker, will the gentleman yield for a question?

Mr. CRAMTON. If I have time to yield, I will.

Mr. O'CONNOR of Louisiana. When do you expect the report from this general commission? I have been waiting for a report from that commission for many moons.

Mr. CRAMTON. I have not been worried by the delay.

Mr. O'CONNOR of Louisiana. You are not interested.

Mr. McSWAIN. There is no commission. The authority is conferred on the Secretary of War alone, and unless requested by somebody to do anything no action is taken by the department.

Mr. O'CONNOR of Louisiana. I understand the Secretary of War is authorized to appoint a commission.

Mr. McSWAIN. Yes. It consists of Army officers.

Mr. O'CONNOR of Louisiana. And they never report.

The SPEAKER. The question is on agreeing to the Senate amendment to the House bill.

The Senate amendment was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WURZBACH, for 10 days, on account of important business;

To Mr. THOMPSON, indefinitely, on account of sickness in his family;

To Mr. TATGENHORST, for 10 days, on account of important business;

To Mr. RAGON, indefinitely, on account of illness; and

To Mr. BURTON, for to-morrow, to attend the funeral of the late Senator WILLIS.

THE PINK BOLLWORM

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks on the pink bollworm in Georgia by inserting a telegram.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by inserting a telegram, as indicated. Is there objection?

There was no objection.

Mr. EDWARDS. Mr. Speaker, under the leave to extend my remarks in the RECORD on the pink boll weevil in Georgia, I include the following telegram:

ATLANTA, GA., March 31, 1928.

Hon. CHAS. G. EDWARDS,

House of Representatives, Washington, D. C.:

I have canvassed pink bollworm menace thoroughly with State Entomologist Wersham. Am convinced necessity imperative take immediate stringent step. If future profitable cotton growing Georgia is to continue, I earnestly appeal to you, as friend Georgia agriculture, to employ every effort secure favorable action Agricultural Committee and of Congress behalf House Joint Resolution 237, providing \$5,000,000 appropriation for eradication pink bollworm. Am advised less amount inadequate. Agricultural Committee meets Monday morning.

F. H. ABBOTT,

Secretary Georgia Association.

THE NEED FOR AN ADDITIONAL FEDERAL JUDGE IN THE EASTERN DISTRICT OF NEW YORK

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks on a bill which I have introduced and insert therein certain data prepared for me by the clerk of the Federal Court for the Eastern District of New York.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, on Friday I extended my remarks in the RECORD showing the need for an additional Federal judge

in the eastern New York district. In these remarks I referred to certain data and tables prepared by the clerk of the United States court for that district showing the business before this court. They are as follows:

STATEMENT AND TABLES FURNISHED BY THE CLERK, UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NEW YORK

The increase of business in the eastern district of New York during the past year has been phenomenal. If the slacker cases are eliminated in the totals for the year 1920, as they should be, we find that 2,034 regular proceedings were commenced in this court for the fiscal year of 1920 and 3,271 in 1921. This is an increase of 60 per cent. The increase in some of the departments is even greater. The figures for the present fiscal year indicate that this increase will be maintained or, rather, augmented. There was an increase in bankruptcy in one period of over 300 per cent and in admiralty 400 per cent. There have been days when over 20 admiralty suits have been commenced and from 10 to 15 bankruptcy petitions filed.

The following statement of business in 1906 makes an interesting comparison:

Proceedings commenced

	Cases
Admiralty.....	185
Law and equity.....	126
Bankruptcy.....	256
Criminal cases.....	74
Civil United States.....	14
Total.....	655

In 1911 the total number of cases commenced was 1,009. It was deemed necessary at that time to have two judges, thus increasing the capacity of the court by 100 per cent. Furthermore, in 1906 the judge of this district devoted a great deal of his time to criminal trials in the southern district of New York. In 1920 the business had more than doubled the figures given in 1911, and in 1921 it had more than trebled 1911.

After Judge Veeder was appointed, the judges arranged schedules of assignments so that one judge for a period of two months did the trial work, such as admiralty, law and equity, and criminal cases, while the other judge would take the motion calendars, occupying practically the whole of Wednesday and Friday afternoons of each week, and the naturalization calendar, which took up the whole of Thursday morning. In this way the judge would have Monday, Tuesday, and half of Wednesday, Thursday, and Friday to use for the purpose of attending to the ex parte business and for the purpose of going over testimony and considering cases tried before him and submitted to him for decision during the preceding two months. In very many cases judges had to read over 500 or 1,000 pages of testimony, voluminous briefs, and examine the law in opinions of courts. This practice prevailed until 1917, when the judge in charge of trials was compelled to assign the criminal work to the judge taking the ex parte and motion work. For some time this judge took, in addition to the motions and ex parte work, criminal trials on Mondays and Tuesdays. The pressure of business continued to increase, and for over a year now it has been the practice of one judge to try equity, common-law, and admiralty cases, while the other judge did all of the ex parte work—that is, applications for orders, etc.—general-motion calendar on Wednesdays at 2 o'clock, naturalizations on Thursday morning, bankruptcy calendar on Fridays at 2 o'clock, and criminal trials at every other moment that it was possible for him to be on the bench. The result has been that instead of deciding cases tried before him during the preceding months, during office hours, it was necessary for him to come down to his chambers during the evenings and on Saturday afternoons and Sundays. It is no uncommon thing for the judges to spend from half past 8 in the morning until after 6 in their chambers, go to dinner, and return, working until after 11 at night. If they did not do this they generally took home work which occupied them during the whole evening. It is difficult to think of judicial work in terms of mechanical labor when one considers

the mental strain. It is not too much to say that the judges in the eastern district of New York often work from 60 to 70 hours a week. The result of this terrific strain is seen in the breakdown of Judge Chatfield and his serious illness.

Going over the calendars in admiralty for many years, it is found that the new calendars made up in October every year usually average about 75 cases. The calendar this year for October 1 had about 300 cases on it, and many more have been added since that time. The law calendar has increased and so has the equity.

During the fiscal year ended June 30, 1921, 150 civil cases were tried in the court in addition to criminal trials. This does not convey strictly an idea of the amount of work done, for the reason that while two admiralty cases may be tried in one day, it is also possible to have one admiralty case take over two weeks to try. It is not so long ago that one criminal case took a period of nine months for the trial in this district. Conditions indicate that instead of there being a slackening up of business, there will be a greater increase this year than in previous years. In addition to the regular proceeding referred to, there are many special matters, such as habeas corpus, and many applications in special matters not in regular cases.

The naturalization work is limited because of the fact that the judges can not devote more time for hearing naturalization proceedings. If more time, a half day each week, could be given to this part of the work, it would be possible to double the number of applications filed, thus relieving the situation. As it is, applications are of necessity refused, to the great inconvenience of those desiring citizenship.

The three judges are constantly occupied; one of the three takes ex parte work, motions, and naturalizations. On Mondays he may have a bankruptcy case to hear or may be able to devote his time to deciding matters already submitted or cases tried before him, being interrupted by the presentation of orders for the appointment of receivers and for various other applications. On Tuesday morning the naturalization calendar of from 300 to 600 cases has to be attended to. Wednesday is general-motion day with a calendar of some 50 or more motions. There are motions in equity, law, and admiralty, as well as various miscellaneous applications and habeas corpus proceedings. This takes the whole morning, going on often into the afternoon. Many of the motions are sharply contested and need study and research. On Thursday the judge is again occupied with naturalization, practically for the whole morning. On Friday morning there are from 40 to 60 motions in bankruptcy. The entire morning is devoted to this. Thus it will be seen that the judge holding this part has very little time for the study of his cases.

A second judge holds criminal term. The criminal term is held every month.

This leaves one judge to try equity, law, and admiralty. It is impossible to have this class of cases tried during the months of July, August, and the early part of September. It is thus to be seen that there are nine months in the year in which trials can be had. Under the present conditions, therefore, there are three for equity, three for admiralty, and three for common law.

Take up the consideration of the admiralty calendar, which now consists of 876 cases, an increase of 146 since the 1st of October, although an admiralty term was held in November by Judge Campbell, at which time 110 cases were disposed of.

It must be evident that if 100 cases are disposed of each month, it would take over eight months of continuous trials to clear up the admiralty calendar. As only three months may be devoted to this each year, it is easy to see that we are three years behind at the present time.

The law calendar now consists of 203 cases. On October 1 there were 173; 73 have been added since and during two terms 143 cases were disposed of. The two terms were held because it was possible to get an outside judge to hold one term.

Table showing business in United States district court, Brooklyn, N. Y.

Class of case	1911	1912	1913	1914	1915	1916	1917	1918	1919
Cases in which United States not a party:									
Admiralty—									
Cases commenced.....	224	226	259	319	493	469	431	422	389
Cases terminated.....	193	190	210	232	262	295	2,321	284	289
Law and equity—									
Cases commenced.....	121	139	61	164	181	142	126	217	190
Cases terminated.....	110	124	114	92	112	160	1,681	101	91
Bankruptcy—									
Cases commenced.....	490	516	778	553	616	592	601	480	392
Cases terminated.....	355	532	781	503	605	587	560	533	434
United States cases:									
Criminal—									
Cases commenced.....	129	88	99	107	100	146	106	1,000	862
Cases terminated.....	116	76	166	76	134	178	110	897	893
Trials.....	11	13	23	17	28	23	12	73	52
Fines imposed.....	\$44,462.00	\$18,879.10	\$2,298.00	\$3,863.00	\$13,365.00	\$10,244.63	\$7,635.00	\$24,840.01	\$20,116.00
Collected.....	\$32,391.00	\$3,679.10	\$1,958.81	\$963.00	\$3,061.00	\$9,925.68	\$7,444.00	\$5,518.01	\$11,393.00
Civil—									
Cases commenced.....	45	182	120	6	31	54	36	26	53
Cases terminated.....	59	140	100	49	46	75	37	17	51

¹ At request of Attorney General, all cases in which no proceedings have been taken for a period of more than five years were dismissed.

Table showing business in United States district court, Brooklyn, N. Y.—Continued

Class of case	1920	1921	1922	1923	1924	1925	1926	1927
Suits, United States not a party:								
Admiralty—								
Cases commenced.....	543	863	1,046	818	1,205	1,352	1,273	1,164
Cases terminated.....	331	435	453	537	529	826	291	844
Law and equity—								
Cases commenced.....	173	321	294	432	995	757	707	932
Cases terminated.....	93	191	163	131	143	554	238	904
Bankruptcy—								
Cases commenced.....	362	583	859	891	898	1,023	901	1,031
Cases terminated.....	450	321	—	551	737	946	945	933
United States cases:								
Criminal—								
Commenced.....	2,800	1,328	652	1,117	3,130	2,492	2,608	2,349
Terminated.....	563	1,179	—	1,032	2,429	2,022	2,363	2,360
Trials.....	61	108	—	83	300	175	121	121
Fines imposed.....	\$26,874.00	\$76,571.50	—	\$104,000.00	\$299,419.00	\$318,479.00	\$284,321.00	\$216,526.00
Fines collected.....	\$23,474.50	\$39,564.50	—	\$49,129.00	\$251,960.00	\$284,182.00	\$237,149.00	\$196,162.00
Civil—								
Commenced.....	66	176	65	352	871	929	931	903
Terminated.....	30	77	42	232	384	628	708	1,232

² This includes 2,100 indictments in so-called slacker cases.

Table showing business in United States District Court, Southern District of New York

Class of case	1923	1924	1925	1926	1927
Suits, United States not a party:					
Admiralty—					
Cases commenced.....	787	494	348	383	914
Cases terminated.....	819	913	1,321	658	1,164
Law and equity—					
Cases commenced.....	1,193	1,021	1,073	961	1,328
Cases terminated.....	1,043	959	2,148	917	1,641
Bankruptcy—					
Cases commenced.....	2,471	2,260	2,075	1,871	1,676
Cases terminated.....	1,615	1,776	3,132	2,162	2,350
United States cases:					
Criminal—					
Commenced.....	2,919	3,777	3,887	3,243	2,059
Terminated.....	2,559	6,616	4,895	6,225	2,135
Trials.....	114	258	134	186	157
Fines imposed.....	\$346,506	\$488,972	\$369,650	\$273,883	\$204,336
Fines collected.....	\$154,014	\$384,461	\$290,145	\$214,600	\$297,379
Civil—					
Commenced.....	1,149	1,271	1,060	2,205	1,985
Terminated.....	793	611	829	2,293	3,236

POSTAGE RATES

Mr. GREEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short letter received from Mr. W. T. Arnold on the bill just passed. It is a very short letter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GREEN. Mr. Speaker, under permission given me to extend my remarks, I include herewith copy of letter received from Hon. W. P. Arnold, same relative to reduction of postal rates. This postage reduction bill undoubtedly should become a law this session of Congress:

Hon. R. A. GREEN,

Member of Congress, Washington, D. C.

DEAR MR. GREEN: I am in receipt of your letter of December 6 and assure you that the Gainesville Sun will appreciate any efforts you may put forth to have our second-class postage rates lowered.

With best wishes and kindest regards, I am,

Sincerely your friend,

W. P. ARNOLD,

Manager the Gainesville Sun.

MUSCLE SHOALS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 12448, concerning Muscle Shoals.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Speaker, in order that there may be full explanation by giving full information on the point of why the Committee on Military Affairs did not approve and recommend the passage of the only proposition before it looking to the private operation of the Muscle Shoals properties, I submit, in order to save the trouble of restating the case, a very brief interview given by myself to one of the daily newspapers of the city of Washington on the day the committee acted. This is not offered by way of apology, because the committee need not apologize for safeguarding public property and insuring national defense:

McSWAIN SAYS UNITED STATES IS FORCED TO RUN SHOALS

By JOHN J. McSWAIN, South Carolina Member House Military Affairs Committee

Undoubtedly the House Military Affairs Committee would prefer private operation of Muscle Shoals. Practically every member of the committee, with one exception, earnestly sought to obtain a satisfactory lease for private operation.

But the committee was unwilling to surrender our property at Muscle Shoals to any lessee on his own terms. That project was constructed primarily to insure a domestic supply of nitrates for use in war. Thus it is essentially a munition plant and is as essential to national defense as an arsenal to manufacture arms, or a shipyard to build battleships.

VALUABLE TO UNITED STATES

The Government is already in business at Muscle Shoals, producing and selling electric power. Common sense dictated that instead of being a constant expense, such as a munitions factory, arsenal, shipyard, battleship, or an army, that here at Muscle Shoals the plant may be not only self-sustaining and eventually pay for itself but may render a highly valuable economic function.

The only proposal for private operation before the committee was that of American Cyanamid Co. I did my best to get it in such shape as would be acceptable to the committee. I offered more than 100 amendments and practically all of them were accepted by the Cyanamid Co. and incorporated in its proposal, except three, and those three constituted the stumbling blocks, and a little explanation will show why we have been driven to Government operation.

First, the committee insisted on a recapture clause to the effect that if the company ceased to manufacture fertilizer for a period of three years, having failed to manufacture it so cheaply and of such kinds as to induce the farmers to buy it, the Government should have the right to take possession of the property, declare the lease terminated, but pay the reasonable value of any plant it may have constructed upon the property.

AUDIT PROVIDED

This seemed manifestly fair and just to both the Government and the lessee, if the lessee had faith in its power to make a success of the fertilizer proposition.

Second, adequate audit and accounting of the books and business methods of the lessee to insure that the calculation of costs and, therefore, of prices for fertilizer were correctly made.

I considered that the provisions of the bill were utterly inadequate to insure the discovery of the truth.

Third, sufficient power in the farmer board to decide and determine the kinds of fertilizer which should be manufactured.

If the lessee wished to keep the mere letter of the contract but violate its main purpose, and convert it into a power proposition pure and simple, it could manufacture the required number of tons of fertilizer of a kind that would not sell, put that fertilizer in storage, and divert all of the power to other purposes than the manufacture of fertilizer.

When the American Cyanamid Co. refused to make these essential concessions, there was nothing left for the committee except the best and most efficient plan of Government operation that could be worked out.

A mere casual reading of the report of the Committee on Military Affairs, being report No. 1095, will disclose the fact that not only since the passage of the national defense act of June 3, 1916, but since the Military Affairs Committee took definite action upon a proper policy with reference to Muscle Shoals, as shown by the committee action of April 24, 1922, through the action of Congress itself in creating the joint commission of

1926 and the action of the President's commission of 1925 and the action of the Committee on Military Affairs in 1927, there has been a consistency and continuity in the views of all responsible and thoughtful persons with reference to Muscle Shoals properties.

POLICY OF COMMITTEE

In fact, the Committee on Military Affairs for the Sixty-ninth Congress laid down as one of its fundamental and guiding principles the proposition that any lease of the Muscle Shoals property must contain a forfeiture or recapture clause of both the power rights and the fertilizer provisions if there was any failure to produce nitrates in at least 40,000 tons per year. But it was found provided in the same proposition that if such failure to produce nitrates in a minimum stipulated amount should not be due to the neglect, misconduct, or fault of the lessee, then such forfeiture or recapture would not include the loss of the reasonable value of the property placed upon the Muscle Shoals plant by the lessee, but that the lessee should be reimbursed by the Government for the reasonable value of such property at the time of such recapture. This was an exceedingly liberal proposition and was made to induce any proposed lessee to consent to the recapture or forfeiture clause whereby both the power and the nitrogen-producing plants should return to the Government in the event of a failure by the lessee to produce the minimum amount of nitrates.

From the very beginning it has been a fundamental axiom that the power and the fertilizer aspects of this proposition must remain interlocked and interlinked with each other and must not be separated. It was realized that the extreme value of the power must be employed as an inducement to carry the fertilizer side of the proposition, not that the fertilizer business will be at a loss or not self-sustaining, but that the special interests, whether financial, power, or fertilizers, whose financial state in the existing fertilizer industry may be injuriously effected, will naturally discourage in every possible way the success of the fertilizer project. Therefore the two have been tied together and the committee has consistently stood by that elemental proposition.

REASONABLE PROPOSAL REFUSED

The very great liberality of the proposal by the committee in 1927 to bind the Government to refund to any lessee that might undertake to manufacture fertilizers at Muscle Shoals and find the same unprofitable, due to the failure of the farmers to buy the same, must be emphasized in order to demonstrate the extreme desire of the committee to insure private operation at Muscle Shoals. It means this: Rather than go into Government operation and have the Government spend \$10,000,000, for illustration, at Muscle Shoals to try out the proposition as to fertilizers, it was concluded that it would be better to have some private operating agency make the experiment and place its own plant upon the Government property, and if the fertilizer business failed, then let the Government take the plant over at a cost, we will say for illustration, of \$10,000,000. The plant established by the lessee would then be the property of the Government. It might be useless to the Government, but it would be paying \$10,000,000 to demonstrate two things; first, whether or not fertilizers can be successfully manufactured at Muscle Shoals at a cost below the existing prices of fertilizers; and second, whether or not private operation at Muscle Shoals would be a success.

The American Cyanamid Co., by its president, Mr. Bell, declined to consider amending its offer so as to incorporate this very liberal provision. Its original offer would contain a provision whereby the Government was to refund to the lessee certain expenses incurred by it, even if the lease should be terminated by reason of the default and intentional violation of the lessee of its contract. Our proposition was to refund the cost of a fertilizer plant to the lessee only when the lessee had acted in good faith and had tried to make the fertilizer business good, and had failed for causes beyond his control.

THE POOR MAN'S CHANCE

I argued to the proposed lessee, the American Cyanamid Co., that our proposition was very much like a partnership arrangement between a rich man and a poor man to go into business together. The rich man says to the poor man, "Take my factory and put up some of your money, to wit, less than 10 per cent of the value of my factory and use your money for operating expenses. If you succeed, then you shall have one-half of all the profits, though you have invested less than 10 per cent of the capital. If you fail, I will pay you back all the money that you have put into the business, so that you will have had a chance to make large profits and will not lose a cent. If any money is lost, I will lose it."

This was a perfectly safe proposition for the lessee. It was a game of "heads you win; tails I lose." To continue the illus-

tration—the United States Government, if it should build Dam No. 3 and Cove Creek Dam, as proposed by the American Cyanamid Co., would thus have invested in the whole property approximately \$250,000,000. On the other hand, the American Cyanamid Co. would have invested a minimum of \$10,000,000 and a maximum of \$35,000,000. In any event, the amount would be about 10 per cent on an average of the investment by the Government.

The committee said to the American Cyanamid Co., "We are so anxious to have the private operation of the fertilizer business at Muscle Shoals that we will authorize you to go to work and put up a fertilizer plant to cost, say about \$10,000,000. You proceed to manufacture fertilizers and if at the end of say 15 years, you have failed for any reason other than your own intentional fault or misconduct, then we will take all the property back, including the value of the property that you have placed upon our land, and pay you the reasonable value of same."

If the lessee should manufacture fertilizers much cheaper than private industry is doing, and should manufacture such kinds of fertilizers as would appeal to the tastes of the farmers, then the business would be certain to be a success, and the lessee would make enormous profits out of the business. If on account of circumstances beyond the control of the lessee it should fail, nevertheless it would get its money back.

TIMIDITY OF AMERICAN CYANAMID CO.

Contrast this proposition of the Committee on Military Affairs with the proposition that faced the American Cyanamid Co. when it made its investment about 20 years ago on the Canadian side of the Niagara River at Niagara Falls. Then the American Cyanamid Co. invested about \$20,000,000 in a plant to fix atmospheric nitrogen which was then in an experimental stage. The American Cyanamid Co. was putting in \$20,000,000 upon a commercial uncertainty. But its promoters had confidence in the future and in their ability to meet future conditions. However, the present management of the American Cyanamid Co. seems to have no confidence in its ability to meet future conditions and competition at Muscle Shoals. The fixation of atmospheric nitrogen is now a practical industrial fact. It is no longer an experiment as it was 20 years ago. There is a great, not only nation-wide but world-wide, demand for concentrated fertilizers.

The American Cyanamid Co. would have every fact in its favor to enable it to manufacture fertilizers at Muscle Shoals more cheaply than private industry can manufacture them anywhere else. Mr. Bell, president of the American Cyanamid Co., admitted this to be a fact. Yet, in the face of these conditions, Mr. Bell would not agree to manufacture fertilizers at Muscle Shoals under a guaranty from the Government that if he failed his investment would be refunded. In the face of this plain, clear situation, how could anybody expect the Committee on Military Affairs to execute a lease with the American Cyanamid Co.?

VITAL TO NATIONAL DEFENSE

Since Muscle Shoals is vital to the national defense to insure a domestic supply of nitrogen, it must remain the property of the Government. Since we have been unable to obtain a satisfactory contract for the private operation of this property, which is primarily a munitions plant, the Government must proceed to operate it in some manner itself. We are therefore put to the election between the method of operation proposed by the Senate Joint Resolution 46, ordinarily called the "Norris bill," and the plan proposed by the House as a substitute for the Norris bill, to wit, operation by a corporation governed by five directors appointed by the President and confirmed by the Senate. Now, which of these two methods is the better under the circumstances?

We have examined, in the Committee on Military Affairs, the Secretary of Agriculture and those officers in his department that would be in charge of experimentation in the methods and processes of manufacturing fertilizers and in charge of such mass production as the Secretary might decide to bring about. This examination by the Secretary and his chief advisers in the department has satisfied me, and evidently satisfied the overwhelming majority of the committee that it would be a waste of time and money and property to put the development of the fertilizer project in the hands of the Department of Agriculture.

They frankly and unequivocally state that they do not believe in mass production of fertilizer by the Government. Furthermore, they say that they do not believe that the Government can manufacture fertilizer at Muscle Shoals and pay to sell the same as cheaply as it is now manufactured and sold by private industries. Therefore, since they state that they can not manufacture fertilizers so as to compete with private manufacturers

and since they confess they do not believe in the project, it is manifest that they will not try hard and would rather let the fertilizer manufacture drift upon the rocks in order to corroborate their own beliefs and in order to make their own predictions come true.

ATTITUDE OF DEPARTMENT OF AGRICULTURE

Furthermore, it was manifest from the testimony of the officers of the Department of Agriculture that their experiments in the processes of manufacturing fertilizers at Muscle Shoals would help nobody but the manufacturers of fertilizer. These officers of the Department of Agriculture frankly stated that they would only seek by experimentation to ascertain new and more economical and more efficient methods of producing fertilizers, by the fixation of atmospheric nitrogen, and by the blast-furnace method of extracting phosphorus and by the latest methods of extracting potash. After these processes had been developed at the expense of many millions of dollars to the taxpayers, they proposed to turn over all discoveries and inventions and improved methods to the private manufacturers of fertilizer for their use. The result would be that the private manufacturer using these improved methods and devices would be able to produce the fertilizers more economically, but he would continue no doubt to sell the fertilizer at the same high price to the farmers. The net result of the experiments proposed to be conducted at Muscle Shoals by the Department of Agriculture would therefore be not to help the farmers by giving them cheaper fertilizers or better fertilizers or more fertilizers but would be to help the private fertilizer manufacturer by enabling him to make a larger margin of profit between his cost of production and his selling price.

I hardly think that this result was intended either by the friends of the Norris bill or the advocates of Government operation. Hence, it was manifest to the Committee on Military Affairs that it would be worse than futile to deliver the manufacture of commercial fertilizers at Muscle Shoals into the hands of the Department of Agriculture.

ONLY RECOURSE POSSIBLE

Therefore the committee was forced to originate such a legislative device for the operation of the Muscle Shoals properties as would insure its management by those friendly to the mass production of concentrated fertilizers at the lowest possible price and of such kinds as to prove attractive to the farmers of the Nation. We therefore resorted to the plan of having the corporation exercise its powers through five directors, one of whom would come up for confirmation by the Senate each year, and thus maintain a close contact between the board and the Senate. It is presumed from the overwhelming vote received in the Senate by the Norris bill that the Senate is and probably will be for a great many years entirely friendly to the project of manufacturing fertilizers in substantial quantities at Muscle Shoals. We furthermore wrote into the bill certain negative and positive qualifications for persons to be appointed and confirmed as directors. First, we stipulated the negative qualifications that the directors must not have any financial investments in existing public-utility corporations selling and distributing electric power. Next, they must not have any financial interest as stockholders or otherwise in the fertilizer manufacturing industry. Neither must they have any financial interest in any business which would be adversely and injuriously affected by the success of the fertilizer project at Muscle Shoals. Second, we set up the positive and affirmative qualification for the members of the board of directors that they must profess a belief in the feasibility and wisdom of the purpose and plan of the bill to manufacture concentrated fertilizers at Muscle Shoals in mass quantities. The only way by which it may be ascertained if these directors do profess such belief is for the President in nominating them and for the Senate in confirming them to ascertain their views. It would seem that this is a simple matter, easily ascertained and administered.

PLAN OF OPERATION

Every reasonable effort being thus made to place the management in the hands of the friends of the plan to manufacture fertilizers in mass quantities, next a framework and set-up is contemplated that should insure efficiency and economy in the administration of the business. The board will enact general rules and prescribe general regulations for the conduct of the business. Next the board will elect one general manager as the chief executive officer and will upon his recommendation elect two assistant managers, one for electric power and the other for fertilizers. The board is instructed to set up a system of organization and business management that will fix responsibility and accomplish efficiency through a gradation of responsibility through chiefs and subchiefs, through foremen and subforemen running through each department of the

business and thus contemplating something like military discipline heading up in the general manager and branching out from him through the two assistant managers. The general manager will have the power to "hire and fire" all employees, and thus we seek to insure subordination to his instructions and discipline in the organization. No greater power is vested in the superintendent of a cotton mill or the superintendent of a railroad or the president of a bank. We feel that this method and system of organization will guarantee efficiency in the human agencies necessary to keep the machinery going. If efficiency is thus procured, undoubtedly fertilizers will be produced at Muscle Shoals at very low cost.

PRIVATE OPERATION PREFERRED

The committee would much prefer the private operation of the Government properties at Muscle Shoals. As a general policy we are opposed to the Government operation for the production in mass quantities of commodities that private industry is equipped to produce. But the situation at Muscle Shoals is peculiar. It was constructed primarily for the production of nitrates for use in war. This would constitute it a munition plant whose operation is essentially a Government function. In the next place, the Government is already in business at Muscle Shoals in the production and sale of power, and has been so engaged in business for several years. It has not been proposed by anyone that the Government should sell this property and part with the fee-simple title. But it has been insisted by many, with which we agree, that the Government should lease the property for a long term for operation by private capital in the production of nitrates and fertilizers, so that the plant may thereby be kept in a "stand-by" condition for the fixation of atmospheric nitrogen, so that in the event of war it may be taken over by the Government, if necessary, and its entire capacity employed in the production of explosives or the constituents of explosives.

But our peculiar problem has not been the settlement of the general principle of private ownership and private operation as against public ownership and public operation. We have been faced with an actual condition and not a theory. We have as a matter of national-defense policy the Government ownership of this property, just as we have the Government ownership of arsenals, navy yards, aircraft factories, battleships, and warehouses for the storing of arms and arsenals.

It appears to me, viewed from the broad policy of national defense, that the Congress was wise when in 1916 in the national defense act it enacted section 124 into law in the following language:

Authorize the President to make or cause to be made such investigation as in his judgment it is necessary to determine its cheapest and most available means for the production of nitrates and other products for munitions of war, and useful in the manufacture of fertilizers.

If we had no adequate source for the production of nitrate explosives from atmospheric nitrogen, and if an enemy fleet should get control of the seas and thus prevent transports from bringing Chilean nitrates to our shores, or if enemy airplanes or battleships should destroy our short route through the Panama Canal by bombing our locks, then our means of national defense would be otherwise made impotent and defenseless.

Without nitrates, explosives would be impossible; without explosives, guns of all kinds, both large and small, would be useless and powerless; without explosives, bombing airplanes, however long the range and however powerful the lift, would be ineffective and harmless. Consequently, as a national defense proposition, which is first and foremost in our eyes, the maintenance and the provision in an up-to-date condition for the fixation of atmospheric nitrogen is a high imperious national duty.

But there was only one proposal for the private operation of this property, and your committee, by one of its subcommittees, sat day after day for many weeks during the last session of the Sixty-ninth Congress taking testimony and considering in minutest detail the terms of the proposed private lease with the principal executive officer of the proposed lessee. Your committee offered a large number of amendments to the bill offered at the instance of the Air Nitrates Corporation and its parent corporation, the American Cyanamid Co., and nearly all of these amendments were accepted finally by the proposed lessee and characterized by it in a letter as "constructive amendments." However, there were some very vital and fundamental differences of views by the proposed lessee and the committee that we have been utterly unable to reconcile.

We have been willing to give great advantage and inducement to a private corporation, holding out reasonable promise of large profits, in order to obtain a contract for private operation. But we have been unwilling to depart from the fixed policy of the Government as announced in the national defense

act of 1916 and as later announced by the joint resolution of Congress adopted the — day of —, 1926, creating the joint commission to negotiate for the lease of the Muscle Shoals property and from the principles and policies that your committee has laid down and followed for several years, that have been reported to the House of Representatives and constitute a part of its records, and that for the approval of the great majority of the Members that have studied and investigated this question.

Herein below we will set out in detail just the point of difficulty and of difference and of departure between your committee and the Air Nitrates Corporation of America.

THE POLICY OF THE CONGRESS

The Congress in 1926 adopted a concurrent resolution setting up a joint congressional committee for the purpose of negotiating for a lease of the Muscle Shoals property. The Congress by said resolution set out in specific words its view of the policies and principles that should prevail in the writing of such lease, and the following is the second paragraph of the resolution:

The committee is authorized and directed to conduct negotiations for a lease or leases (but no lease or leases shall be recommended which do not guarantee and safeguard the production of nitrates and other fertilizer ingredients, mixed or unmixed, primarily as hereinafter provided) of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, such power to be equitably distributed between the communities and States to which it may be transported, in order to serve national defense, agriculture, and industrial purposes, and upon terms which, so far as possible, shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease or leases shall be for a period not to exceed 50 years.

EFFECT OF PROPOSED POLICY

If the bill as now proposed by this report should be enacted into law it will in no way prevent the subsequent leasing of the Muscle Shoals property to any private person or corporation. We have carefully safeguarded the committing of any power to the proposed corporation that might be in conflict with a transfer of the possession and control and operation of the property at any time in the future, however near or however remote.

The bill provides that it is subject to repeal in whole or in part. Every person contracting with the corporation does so with this notice. The 10-year term of the proposed general manager is to end upon the repeal or specific amendment of this act to that effect. Any contract for the sale of power that might be made by the corporation for a 10-year period in one case or for a 15-year period in a certain other case would probably be such a contract as any lessee in the future might be willing to make, and would at least take the property subject to such contract and fulfill the same. Probably any lessee in the future would find such existing contracts and fixed sources of revenue quite desirable. Furthermore, the operation through the proposed corporation will demonstrate conclusively many questions now disputed that might otherwise have to be settled at the expense and loss of a lessee. For example, the operation under the corporation will settle the question as to whether or not the nitrate plant No. 2 can and will produce nitrates, with certain modifications and additions, of such a quality and at such prices as will prove attractive to the American farmers. If it proves utterly unsatisfactory, that ends the question; if it proves successful, in like manner the question is settled. If it proves unsuccessful, other methods can and will be tried out, because we believe that the American engineer and scientist is just as proficient as the engineer and scientist of other nations, where they are undoubtedly succeeding to an eminent degree in the manufacturing of concentrated fertilizers at relatively very low prices.

Happily, Muscle Shoals is one munition factory and one arsenal and one agency of national defense that is capable of being useful to the people in time of peace and of paying its own way by producing a commodity which is essential to American agriculture, which in turn is the foundation stone upon which rests the whole national economic and social superstructure.

THE PROCESS TO BE USED

It will be observed that the committee directs the corporation to begin the manufacture of concentrated fertilizers by the use of the existing cyanamide plant after the same shall have been modernized. Many well-advised persons have insisted that we should scrap nitrate plant No. 2 as impractical, because of the high consumption of power per unit of production. But again we are faced with a practical situation. We have this plant which has cost us about \$55,000,000. We have

power in great abundance. It seems to us that the sensible, businesslike proposition is to begin by using the existing facilities and continue to use them until they are demonstrated to be either a success or a failure. In the meantime and at the same time the corporation may employ any other process, and by employing the two or more processes be able to compute the relative cost of production. In this connection it may prove feasible to use the building and certain parts of the equipment in nitrate plant No. 1 in order to make a fair experiment and clear demonstration of its feasibility as a synthetic-process plant. No private business man scraps and entirely discards machinery and equipment that have cost large sums of money until experience has demonstrated their impracticability for manufacturing purposes.

In this connection the committee has empowered and directed the corporation to construct a phosphoric-acid plant, so that the nitrate produced may be combined with phosphoric acid into a desirable form of fertilizer. The cyanamide alone might be unattractive to users. The board will also have the right to establish a potash plant if its production at that place appears feasible. In the meantime, until the phosphorus plant shall have been constructed and put in operation, the board has the power to buy phosphoric acid from private producers and may buy potash from private producers and mix one or more of these ingredients with nitrogen produced at Muscle Shoals so as to put upon the market a complete fertilizer product.

The first five years is to be manifestly a period of experimentation on a great scale. In order to give the fertilizer end of the experiment a fair chance to succeed, it is not only provided that the fertilizer shall be sold at cost but that the cost itself shall be reduced by the net receipts from the sale of electric power. In other words, the entire plant is dumped into the fertilizer hopper for the first five years. In order to familiarize the farmers with this concentrated fertilizer and its use, the board may donate 5 per cent of the annual production to county demonstration agents to be by them demonstrated to farmers to be used for experimental purposes. If the surplus accumulation for any one year is more than 25 per cent of the annual capacity, then an additional 10 per cent may, upon the unanimous approval of the board, be donated in like manner for experimental purposes. Thus at the end of five years we will know something about this fertilizer business. If it can not succeed with all its inducements and assistance proposed to be rendered under this bill, if the same shall be administered by friendly hands, then it is hopeless.

We believe that the President will try to select experienced business men reasonably friendly to the fertilizer project contemplated by this bill and that the Senate will exercise a reasonable discrimination in confirmation. These business men will outline a system of business, both for operation and sale, and place the actual administration of details in the hands of a general manager with two assistant managers.

It is proposed and suggested that the organization under a general manager and two assistant managers, who will have the right to employ and discharge all other clerks, office help, foremen, agents, and laborers generally, will give such direct and central control, heading up to a single responsible person, as to insure efficient administration and energetic discipline. It will be possible so to organize the business by a gradation of chiefs and subchiefs, with responsibility for their respective divisions, as to make an organization to function efficiently and systematically.

I realize that the suggestion of a maximum of \$50,000 for the combined three salaries of the general manager and two assistant managers may seem high; but I think it is in line with good business principles to select these three men of a very high class, with business experience and executive ability. To find such men and to induce them to leave the present employments that they are certain to have will necessitate the board offering salaries that may appear high. But it must be remembered that their tenure is very uncertain. The tenure may be determined by the board; or this act may be repealed at any time. Due to such uncertainty, we must pay slightly higher salaries than the same men are now receiving in private industries with prospects of an indefinite continuance and with prospects of increase in salary and perhaps an interest in the business itself.

But after five years, the period of experimentation will be over. If the fertilizer business proves successful, then at the expiration of the first five-year period the fertilizer business must go not only on a self-sustaining basis but it must pay a profit of 4 per cent on the annual turnover into the Treasury of the United States. At the same time, the net proceeds from the sale of electric power must go into the Treasury of the United States. We believe that the sums of money derived

from these two sources will be such as to reimburse the Government in the end for its investment in this problem. But in any event, the property remains the property of the Government. The possession, use, and control only are delivered in trust to the corporation for the purpose of being operated in the interest of national defense and of interstate commerce. The Government can recapture the property at any time upon the outbreak of war upon the declaration of a national emergency by Congress. The great experiment proposed here will not prove very expensive to the Government, and if it proves a success it will not only repay the Government but will prove profitable and will retain the title to the property to the Government and will prove a vast boon to agriculture and will prove a powerful agency of national defense.

By section 124 of the national defense act of 1916 the Muscle Shoals project was dedicated to the national defense for all time; but as a common-sense proposition, in the interest of economy and in order to insure the latest and most improved methods of the fixation of atmospheric nitrogen, the plant was to be employed in peace for the manufacture of concentrated fertilizers.

When the offer of Henry Ford was before the House these fundamental principles were consistently adhered to, and admitted on all sides as sound. The Committee on Military Affairs from the very beginning has had certain fundamental principles before it, and the Congress has been advised by various reports from that committee that these principles have guided the committee in its action. Finally, when the House joint resolution was passed in 1925, under which the joint committee functioned in 1926, in the effort to negotiate leases with private operating agencies, the joint resolution itself expressed the will of Congress that fertilizers in time of peace should be guaranteed by any lessee. Again, during the last session of the Sixty-ninth Congress, the Committee on Military Affairs reported to the House its inability to conclude any lease or to agree upon any bill, and reiterated its views in accordance with the established policy of the Congress and of the committee.

Hence it is aside from the mark for anyone now to pretend that the manufacture of concentrated fertilizers in large quantities at Muscle Shoals is novel or revolutionary or an afterthought or an experiment in socialism. It has been the deliberate policy of the Congress for 12 years, based upon the action of both Houses, signed by the President, and reiterated by subsequent Congresses, committees, and joint commissions.

Again, in 1926, the President of the United States appointed a commission to study, consider, and report its conclusions as to the proper policy to be pursued by the Government with reference to Muscle Shoals. That committee of eminent business men, public servants, and technical experts reported, recommending that if a private lessee could be obtained, who would guarantee and insure the manufacture of fertilizers according to the original plan and intention, then such lessee should be signed; but the commission went on to say with great reluctance that if no such satisfactory lease could be made, then the Government might be forced into the operation of the plant itself for the production of fertilizers in mass quantities.

So now we are up against a situation, a condition, a fact, that must be faced and can not be sidestepped nor evaded. We are not creating a new state of facts; we are not permitted to express our preferences. We have no opportunity to apply our theories. We must do something with the properties at Muscle Shoals which the Government now owns and has owned for more than 10 years, and has spent more than \$150,000,000 in said properties.

Shall we give it away? Manifestly not. Shall we continue to operate it as we are now operating it? That would be manifestly unbusinesslike, because the net returns are less than \$1,000,000 a year. Shall we lease it to just anybody that will take it on his own terms? That could not be justified. We do not give away or lease without consideration or sell for a bagatelle our arsenals, our shipyards, our navy yards, our airplane factories, or our munition plants. In a certain sense Muscle Shoals is the greatest and most vital munition plant in the Nation. Without it or its equivalent every gun might be silenced, every battleship useless, and every bombing airplane powerless. So we must keep Muscle Shoals and keep it in condition to manufacture nitrates for explosives in the event of an emergency. Keeping it, shall we let it stand by idle and be a constant charge upon the Treasury, or shall we use common sense, as Congress contemplated in 1916 and has been contemplating ever since, and use that power and plant for the fixation of atmospheric nitrogen, and combine the same with other elements of plant food and sell the same to the farmers

at reasonable prices, and thus make the plant not only self-sustaining, but earn sufficient money there, in the end to reimburse the Government for all of its original investment.

The SPEAKER. The Clerk will report the next bill.

CONSENT CALENDAR

DISBURSEMENTS TO NATIONAL GUARD OFFICERS AND ENLISTED MEN

The next business on the Consent Calendar was the bill (S. 2537) to amend section 110, national defense act, so as to provide a better administrative procedure in the disbursements for pay of National Guard officers and enlisted men.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. While this will, no doubt, relieve the accounting in some measure, will it aid in greater supervision and in better accounting and better attendance at drill? The gentleman will remember that last year during the debate on the Army appropriation bill I made a statement that was somewhat surprising. After that unfortunately several National Guard officers were indicted for doing the very thing I called attention to. Will the issuance of these pay checks aid in the greater supervision of accounts?

Mr. McSWAIN. I think it will. It is true I am familiar with it only in a general way. The gentleman from Ohio [Mr. SPEAKS] had to leave a few minutes ago in order to attend the funeral of the late Senator Willis. But I understand it will improve the supervision of accounts, since the accounting and pay officers will move into different zones at different times, and they can go from one zone to another; and in that respect I believe it will result in greater efficiency and economy. The fellow who knows can best look behind the paper and ascertain if the facts correspond with the surface appearance.

Mr. LAGUARDIA. I believe that.

Mr. GREEN. So do I.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the second paragraph of section 110, national defense act, as amended, be, and the same is hereby, amended to read as follows:

"All amounts appropriated for the purpose of this, and the last preceding section shall be disbursed and accounted for by the officers and agents of the Finance Department of the Army, and effective as soon as practicable after July 1, 1928, all disbursements under the foregoing provisions of this section shall be made for such three-months periods for the various units of the National Guard as shall be prescribed in regulations issued by the Secretary of War and on pay rolls prepared and authenticated in the manner prescribed in said regulations: *Provided*, That for the period necessary to put into operation the payment plan herein provided for, the Secretary of War is authorized to fix initial pay periods of less than three months for such number of units as he may deem necessary: *And provided further*, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by, and chargeable to, such officer or enlisted man."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

QUALIFICATIONS FOR NATIONAL GUARD STATE STAFF OFFICERS

The next business on the Consent Calendar was the bill (H. R. 239) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, the form of this bill, I think, can be improved. I presume it will be made satisfactory by an amendment.

Mr. BLACK of Texas. Mr. Speaker, may I inquire of the author of the bill just what provision of the national defense act is repealed by this bill?

Mr. FURLOW. The bill was sent to me by the War Department. I have read the War Department's letter of transmittal. The bill amends section 110. The only thing this will accomplish is this: At the present time when there is a vacancy in the National Guard staff an appointment must be made to fill that vacancy from the National Guard itself. This would make it possible to make that appointment irrespective of whether or not the man had served in the National Guard. The reason for that is this, because at the present time we have lots of

World War veterans who are qualified for the position but they are not eligible for appointment under the amendment, which was put in at the time the national defense act was passed.

Mr. BLACK of Texas. In other words, there are men available who have had sufficient military experience but really have not served in the National Guard.

Mr. FURLOW. Who are not in the National Guard now. Mr. BLACK of Texas. And the repeal of this provision will permit the Secretary of War to make appointments of that kind?

Mr. FURLOW. That is right. That is as I understand the bill.

Mr. LAGUARDIA. I do not think the Secretary of War makes these appointments.

Mr. McSWAIN. They are made by the Chief of the Militia Bureau.

The SPEAKER. Is there objection?
There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following provisions, to wit, "nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the finance, inspection, quartermaster, and medical departments hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for causes to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the militia of such State, Territory, or District," contained in the last paragraph of section 110 of the national defense act as amended by the act approved September 22, 1922 (42 Stat. L. 1036), be, and the same are hereby, repealed and stricken therefrom.

Mr. CRAMTON. Mr. Speaker, I offer an amendment. At the end of line 9, strike out the period and insert in lieu thereof the following.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, line 9, strike out the period after the word "therefrom," insert a comma and the following: "so that said paragraph when so amended will read as follows: Except as otherwise specifically provided herein, no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over 64 years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12320) to amend the longshoremen's and harbor workers' compensation act. This is an emergency measure.

The SPEAKER. The Chair will ask the gentleman from Pennsylvania whether he regards it as a measure of such emergency that time is a vital question?

Mr. GRAHAM. I think it is, sir, for this reason: The proponents of the longshoremen's compensation law were under the impression that when suit was brought against a deputy commissioner the litigation would be defended by the district attorney of the district in which the litigation would arise. Litigation has been started and the Attorney General has ruled that it is not obligatory upon the district attorney to take up and defend this litigation. This bill simply provides that it shall be the duty of the district attorney in the district in which the litigation arises to defend it; that is, to defend the deputy commissioner who is sued. Only a few cases of this kind are likely to arise, but when they do arise they must be defended. It is nobody's business to do so unless we pass this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in any court proceedings under section 21 or other provisions of the longshoremen's and harbor workers' compensation act, it shall be the duty of the district attorneys of the United

States in the judicial district in which the case is pending to appear as attorney or counsel on behalf of the United States Employees' Compensation Commission, or its deputy commissioner, when either is a party to the case or interested, and to represent such commission or deputy in any court in which such case may be carried on appeal.

Mr. GRAHAM. Mr. Speaker, I desire to correct a word in the bill. In line 5 the bill provides for district attorneys instead of district attorney.

The SPEAKER. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM: Page 1, line 5, strike out the word "attorneys" and insert the word "attorney."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WRITS OF ERROR

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12441) to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of House Bill 12441. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of an Act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress, be, and it is hereby, amended to read as follows:

"Sec. 2. The statutes regulating the right to a writ of error, defining the relief which may be had thereon, and prescribing the mode of exercising that right and of invoking such relief, including the provisions relating to costs, supersedeas, and mandate, shall be applicable to the appeal which the preceding section substitutes for a writ of error."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will resume the calling of the calendar.

ADDITIONAL CIRCUIT JUDGE FOR THE NINTH JUDICIAL CIRCUIT

The next business on the Consent Calendar was the bill (H. R. 8295) for the appointment of an additional circuit judge for the ninth judicial circuit.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an additional circuit judge for the ninth judicial circuit.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TERM OF COURT AT BRYSON CITY, N. C.

The next business on the Consent Calendar was the bill (H. R. 8835) to amend section 98 of the Judicial Code, as amended, to provide for terms of court at Bryson City, N. C.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the seventh paragraph of section 98 of the Judicial Code be, and it is hereby, amended to read as follows:

"Terms of the district court for the western district shall be held in Charlotte on the first Mondays in April and October; at Shelby on the fourth Monday in September and the third Monday in March; at Statesville on the fourth Mondays in April and October; at Asheville on the first Mondays in May and November; and at Bryson City on the fourth Mondays in May and November: *Provided*, That the cities of Shelby and Bryson City shall each provide and furnish at their own expense suitable and convenient places for holding the court at Shelby and Bryson City. The clerk of the court for the western district shall maintain an office, in charge of himself or a deputy, at Charlotte,

at Asheville, at Statesville, at Shelby, and at Bryson City, which shall be kept open at all times for the transaction of the business of the court."

With the following committee amendment:

Page 1, line 9, strike out the word "first" and insert in lieu thereof the word "second."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SALARIES OF JUDGES OF PORTO RICO

Mr. KIESS. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 10952) to fix the salaries of certain judges of Porto Rico, the gentleman from Missouri having withdrawn his objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following salaries shall be paid, in monthly installments, to the several judges hereinafter mentioned in lieu of the salaries now provided by law, namely:

To the chief justice of the Supreme Court of Porto Rico, \$10,500 per year; and to each of the associate justices thereof, \$10,000 per year.

SEC. 2. This act shall take effect on the first day of the first month next following its approval.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DISPOSITION OF CERTAIN LANDS IN FLORIDA

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the next bill on the calendar (H. R. 11281) be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AMENDMENT OF THE GENERAL LEASING ACT

The next business on the Consent Calendar was the bill (H. R. 10885) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437).

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. ARENTZ. Will the gentleman withhold that?

Mr. SCHAFER. This is an important bill opening up some new lands.

Mr. ARENTZ. Is the gentleman referring to Calendar No. 523?

Mr. SCHAFER. Yes.

Mr. ARENTZ. This bill opens up no new lands, and this is done at the suggestion of the Secretary of the Interior to equalize the royalty between lands taken up under the 1920 act and lands under the 1925 act when you are taking up potash ground.

Mr. LAGUARDIA. Any oil in it?

Mr. ARENTZ. No oil whatever. If a man wants to lease a piece of potash ground he has to pay 12½ cents royalty, and if the British outfit wants to take soda, borax, or potash they only pay 2 per cent. Do you want to handicap the American citizen and make him pay 12½ cents royalty and a dollar an acre a year rent when the British can monopolize the entire proposition and only pay 2 per cent?

Mr. LAGUARDIA. How did this discrimination come about?

Mr. ARENTZ. Because it was not contemplated that soda and borax would come together in the same area.

Mr. SCHAFER. If this is to clear up any discrimination between an American citizen and foreign parties I will not object.

Mr. ARENTZ. That is exactly what it does.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437), are hereby amended to read as follows:

"SEC. 23. That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to grant to any

qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium, in lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall not exceed 2,560 acres of land in reasonably compact form.

"SEC. 24. That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in section 23 hereof have been discovered by the permittee within the area covered by his permit and that such land is chiefly valuable therefor, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit at a royalty of not less than 2 per cent of the quantity or gross value of the output of sodium compounds and other related products at the point of shipment to market; the lands in such lease to be taken in compact form by legal subdivisions of the public land surveys or, if the land be not surveyed, by survey executed at the cost of the permittee in accordance with regulations prescribed by the Secretary of the Interior. Lands known to contain valuable deposits of one of the substances enumerated in section 23 hereof and not covered by permits or leases shall be subject to lease by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt and in such areas as he shall fix, not exceeding 2,560 acres. All leases under this section shall be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, not less than 2 per cent of the quantity or gross value of the output of sodium compounds and other related products at the point of shipment to market, and the payment in advance of a rental of 25 cents per acre for the first calendar year or fraction thereof, 50 cents per acre for the second, third, fourth, and fifth calendar years, respectively; and \$1 per acre per annum thereafter during the continuance of the lease, such rental for any one year to be credited against royalties accruing for that year. Leases under this section shall be for a period of 20 years, with preferential right in the lessee to renew for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior unless otherwise provided by law at the expiration of such period: *Provided*, That nothing in this act shall prohibit the mining and sale of sodium compounds under potassium leases issued pursuant to the acts of October 2, 1917 (40 Stat. L. 297), and February 7, 1927 (44 Stat. L. 1057), nor the mining and sale of potassium compounds as a by-product from sodium leases taken under this section: *Provided further*, That on application by any lessee the Secretary of the Interior is authorized to modify the rental and royalty provisions stipulated in any existing sodium lease to conform to the provisions of this section."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8725) entitled "An act to amend section 224 of the Judicial Code."

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 380) entitled "An act for the relief of Charles H. Niehaus."

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 9020. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 43. An act for the relief of Frederick N. Carr;

S. 46. An act for the relief of Daniel F. Roberts;

S. 138. An act for the relief of Thomas Johnsen;

S. 1899. An act for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua;

S. 2657. An act for the relief of George W. Boyer; and

S. 2020. An act for the relief of Leonidas L. Cochran and Rosalie Cochran Brink.

LEAVE TO ADDRESS THE HOUSE

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that to-morrow, immediately after reading the Journal and disposition of business on the Speaker's table and any special orders, I may address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I would like permission to speak for five minutes after the other special orders and the gentleman from Oklahoma has used his time.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEAVE TO THE JUDICIARY COMMITTEE TO SIT DURING SESSION OF THE HOUSE TO-MORROW

Mr. DYER. Mr. Speaker, I ask unanimous consent that the Judiciary Committee may sit to-morrow during the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Tuesday, April 3, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, April 3, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the eradication of pink bollworm and authorizing an appropriation therefor (H. J. Res. 237).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(10 a. m.—room 277)

To amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions (H. R. 7951).

SUBCOMMITTEE ON STREET, AVENUES, AND TRAFFIC

(10.30 a. m.)

To consider the bills on the calendar.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To prohibit the sending and receipt of stolen property through interstate and foreign commerce (H. R. 10287).

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To amend section 127a, national defense act, as amended and approved June 4, 1920 (H. R. 11273).

COMMITTEE ON PATENTS

(10 a. m.)

To amend sections 1 (e) and 25 (e) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909 (H. R. 10655).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Authorizing assistance in the construction of an inter-American highway on the Western Hemisphere (H. J. Res. 259).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider the private bills on the calendar.

COMMITTEE ON THE PUBLIC LANDS

(10.30 a. m.)

To establish the Ouachita National Park in the State of Arkansas (H. R. 5729).

COMMITTEE ON FLOOD CONTROL

(10 a. m.)

To provide for the topographic mapping and the measurement of river discharge of the alluvial valley of the lower Mississippi River and in such other areas as have an immediate bearing on the solution of flood problems of the Mississippi River Basin (H. R. 11142).

EXECUTIVE COMMUNICATIONS, ETC.

424. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of mouth of Roanoke

River, N. C. (H. Doc. No. 211), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REID of Illinois: Committee on Flood Control. S. 3740. An act for the control of floods on the Mississippi River and its tributaries, and for other purposes; with amendment (Rept. No. 1100). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on Irrigation and Reclamation. H. R. 10786. A bill authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona; without amendment (Rept. No. 1101). Referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERHILL: Committee on Claims. H. R. 12236. A bill to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926; with amendment (Rept. No. 1102). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Patents. H. R. 8913. A bill to amend sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; with amendment (Rept. No. 1103). Referred to the House Calendar.

Mr. PORTER: Committee on Foreign Affairs. S. 2549. An act providing for payment to the German Government of \$461.59 in behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter; without amendment (Rept. No. 1105). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. R. 9569. A bill authorizing the payment of an indemnity to the British Government on account of the death of Reginald Ethelbert Myrie, alleged to have been killed in the Panama Canal Zone on February 5, 1921, by a United States Army motor truck; without amendment (Rept. No. 1106). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. R. 12179. A bill to provide for the reimbursement of the Government of Great Britain on account of certain sums expended by the British chaplain in Moscow, the Rev. F. North, for the relief of American nationals in Russia in 1920; without amendment (Rept. No. 1107). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Iowa: Committee on Foreign Affairs. H. J. Res. 145. A joint resolution to provide for the payment of an indemnity to the Chinese Government for the death of Chang Lin and Tong Huan Yah, alleged to have been killed by members of the armed forces of the United States; without amendment (Rept. No. 1108). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. J. Res. 146. A joint resolution to provide for the payment of an indemnity to the Dominican Republic for the death of Juan Soriano, who was killed by the landing of an airplane belonging to the United States Marine Corps; without amendment (Rept. No. 1109). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 148. A joint resolution to provide for the payment of an indemnity to the British Government to compensate the dependents of Edwin Tucker, a British subject, alleged to have been killed by a United States Army ambulance in Colon, Panama; without amendment (Rept. No. 1110). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 149. A joint resolution to authorize an appropriation for the compensation of William Wiseman; without amendment (Rept. No. 1111). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 150. A joint resolution to provide for the payment of an indemnity to the Government of the Netherlands for compensation for personal injuries sustained by two Netherlands subjects, Arend Kamp and Francis Gort, while the U. S. S. *Canibab* was loading on May 1, 1919, at Rotterdam; without amendment (Rept. No. 1112). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Iowa: Committee on Foreign Affairs. H. J. Res. 151. A joint resolution to provide for payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps; without amendment (Rept. No. 1113). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 153. A joint resolution for the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship; without amendment (Rept. No. 1114). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 154. A joint resolution authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia; with amendment (Rept. No. 1115). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 152. A joint resolution authorizing and requesting the President to extend invitations to foreign governments to be represented by delegates at the International Congress of Entomology to be held in the United States in 1928; without amendment (Rept. No. 1116). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. GUYER: Committee on Claims. H. R. 5398. A bill for the relief of the heirs of the late Dr. Thomas C. Longino; with amendment (Rept. No. 1104). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. S. 3506. An act for the relief of the owners of the British steamship *Larchgrove*; without amendment (Rept. No. 1117). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. S. 3507. An act for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection and Indemnity Association (Ltd.); without amendment (Rept. No. 1118). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 12189. A bill for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti; with amendment (Rept. No. 1119). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8469) granting a pension to Beulah J. Berry; Committee on Invalid Pensions discharged, and referred to the committee on Pensions.

A bill (H. R. 12548) for the relief of Margaret Vaughn; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 12613) granting a pension to Margaret Kropp; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EVANS of California: A bill (H. R. 12615) to increase the pensions of persons who have lost the sight of both eyes in line of duty while in the military or naval service of the United States; to the Committee on Pensions.

By Mr. GRIEST: A bill (H. R. 12616) to amend section 6 of Title I of the act of February 28, 1925 (43 Stat., p. 1060, U. S. C., title 39, sec. 116); to the Committee on the Post Office and Post Roads.

By Mr. HUDSPETH: A bill (H. R. 12617) for the erection of a public post-office building at Midland, Midland County, Tex., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. LA GUARDIA: A bill (H. R. 12618) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. ROWBOTTOM: A bill (H. R. 12619) to extend the times for commencing and completing the construction of a

bridge across the Ohio River at or near Evansville, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: A bill (H. R. 12620) to authorize the unification of carriers engaged in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CROWTHER: A bill (H. R. 12621) to authorize the Secretary of War to lend War Department equipment for use at the annual State convention of the American Legion of New York; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 12622) to amend section 200 of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. DE ROUEN: A bill (H. R. 12623) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Starks, La., on the Evangeline Highway, known by the State of Louisiana as route No. 7, to connect at or near Deweyville, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. HOFFMAN: A bill (H. R. 12624) to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 12625) to provide a salary for the referee in bankruptcy for the Pecos division of the western judicial district of Texas; to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 12626) relating to the immigration of certain relatives of United States citizens and aliens lawfully admitted to the United States; to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of South Dakota: A bill (H. R. 12627) to provide for the establishment of a commissioned medical service in the United States Veterans' Bureau; to the Committee on World War Veterans' Legislation.

By Mr. BROWNING: A bill (H. R. 12628) granting an increase of salary to all rural carriers in the Rural Mail Delivery Service; to the Committee on the Post Office and Post Roads.

By Mr. JONES: A bill (H. R. 12629) to create a new division of the District Court of the United States for the Northern District of Texas; to the Committee on the Judiciary.

By Mr. SINNOTT (by department request): A bill (H. R. 12630) to repeal the desert land laws; to the Committee on the Public Lands.

By Mr. BERGER: A bill (H. R. 12631) to establish a national forest reserve and a national park in each of the several States, to promote reforestation, and for other purposes; to the Committee on Agriculture.

By Mr. PURNELL: A bill (H. R. 12632) to provide for the eradication or control of the European corn borer; to the Committee on Agriculture.

By Mr. McLEOD: Joint resolution (H. J. Res. 259) authorizing assistance in the construction of an inter-American highway on the Western Hemisphere; to the Committee on Foreign Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 262) requesting the President to extend to the Republics of America an invitation to attend a conference of conciliation and arbitration to be held at Washington during 1928 or 1929; to the Committee on Foreign Affairs.

By Mr. REID of Illinois: Resolution (H. Res. 155) providing for the consideration of S. 3740, "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes"; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. HOFFMAN: Memorial of the Legislature of the State of New Jersey, requesting the Congress of the United States to authorize the Postmaster General to issue a special series of postage stamps commemorative of the one hundred and fiftieth anniversary of the Battle of the Monmouth; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 12633) granting an increase of pension to Mary E. Conley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12634) granting an increase of pension to Mary E. Booker; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 12635) granting a pension to Delia B. Crafts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12636) granting an increase of pension to Mary Ruckle; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 12637) granting jurisdiction to the Court of Claims to hear the case of David A. Wright; to the Committee on War Claims.

Also, a bill (H. R. 12638) for the relief of David A. Wright; to the committee on War Claims.

By Mr. CRAIL: A bill (H. R. 12639) granting a pension to Bernard N. Daugherty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12640) granting an increase of pension to Katherine L. Severance; to the Committee on Invalid Pensions.

By Mr. EVANS of Montana: A bill (H. R. 12641) to correct the military record of George A. Cole; to the Committee on Military Affairs.

By Mr. FREE: A bill (H. R. 12642) granting a pension to Joseph Hodgson; to the committee on Pensions.

By Mr. FREEMAN: A bill (H. R. 12643) granting an increase of pension to Addie A. Turner; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 12644) granting an increase of pension to Addie J. Green; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 12645) granting an increase of pension to Abby Fordyce; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12646) granting an increase of pension to Jennie M. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12647) granting an increase of pension to Louise Pease; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 12648) for the relief of S. L. Roberts; to the Committee on Claims.

By Mrs. LANGLEY: A bill (H. R. 12649) granting a pension to Pearl Estridge; to the Committee on Pensions.

By Mr. McSWAIN: A bill (H. R. 12650) granting an honorable discharge to John F. Fleming; to the Committee on Military Affairs.

By Mr. MENGES: A bill (H. R. 12651) for the relief of Artemus W. Pentz; to the Committee on Claims.

Also, a bill (H. R. 12652) for the relief of Andrew Amsbaugh; to the Committee on Military Affairs.

By Mr. MILLIGAN: A bill (H. R. 12653) granting a pension to James R. McCarty; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 12654) granting an increase of pension to Mary Wallace; to the Committee on Invalid Pensions.

By Mr. NORTON of New Jersey: A bill (H. R. 12655) granting an increase of pension to Annie M. Hollis; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 12656) granting an increase of pension to Mont Graham; to the Committee on Pensions.

By Mr. RANSLEY: A bill (H. R. 12657) for the relief of Harry W. Koch, trading as H. W. Koch & Co.; to the Committee on Claims.

By Mr. TEMPLE: A bill (H. R. 12658) granting a pension to Jennie Mae Parkinson Dunkle; to the Committee on Pensions.

By Mr. WEAVER: A bill (H. R. 12659) for the relief of Ben F. Draper; to the Committee on Claims.

By Mr. HASTINGS: Joint resolution (H. J. Res. 260) for the relief of Eloise Childers, Creek Indian, minor roll No. 354; to the Committee on Indian Affairs.

Also, joint resolution (H. J. Res. 261) for the relief of Effa Cowe, Creek Indian, new-born roll No. 78; to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6285. Petition of the Chamber of Commerce of Pittsburgh, Pa., favoring the revision of postal rates; to the Committee on the Post Office and Post Roads.

6286. Petition of the city council of Los Angeles, Calif., favoring the passage of Senate Joint Resolution 87 and House Joint Resolution 196, for the continuance and development of the American Green Cross and its work; to the Committee on Education.

6287. By Mr. ADKINS: Petition of citizens of Arthur, Ill., urging the passage at this session of Congress of the Civil War pension bill; to the Committee on Invalid Pensions.

6288. Also, petition by citizens of the State of Illinois, protesting against compulsory Sunday observance bill now before Congress; to the Committee on the District of Columbia.

6289. By Mr. AYRES: Petition of citizens of Wichita, Kans., in favor of Curtis-Reed educational bill; to the Committee on Education.

6290. By Mr. CARTER: Petition of the Berkeley Teachers' Association, of Berkeley, Calif., indorsing the Curtis-Reed bill; to the Committee on Education.

6291. By Mr. COOPER of Wisconsin: Petition of citizens of Racine, Wis., urging passage of bill to increase pensions of Civil War widows; to the Committee on Invalid Pensions.

6292. By Mr. CRAIL: Petition of Reserve Officers' Association, Long Beach (Calif.) Chapter, for the national defense act; to the Committee on Naval Affairs.

6293. Also, petition of Gov. C. C. Young and sundry officials of the State of California, favoring the resolution introduced by Congressman Porter in House bill 11192; to the Committee on the Judiciary.

6294. Also, petition of Ernest A. Love Post, of the American Legion; Buckley O'Neil Post, No. 541, Veterans of Foreign Wars; and Fort Whipple Chapter, No. 3, Disabled American Veterans, for the passage of House bill 11350; to the Committee on World War Veterans' Legislation.

6295. By Mr. CROWTHER: Petition of citizens of Schenectady, N. Y., in behalf of House bill 11410; to the Committee on the Judiciary.

6296. By Mr. DALLINGER: Petition of certain citizens of Medford, Mass., urging enactment of legislation increasing pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6297. Also, petition of certain citizens of Massachusetts, urging the enactment of the Welch bill (H. R. 6518); to the Committee on the Civil Service.

6298. By Mr. EVANS of California: Petition of Therna Ruoff, of Baldwin Park, Calif., and 35 other citizens, for the relief of the permanently disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

6299. By Mr. DEMPSEY: Petition of citizens of Buffalo, N. Y., favoring the Sproul bill (H. R. 11410) to amend the prohibition act; to the Committee on the Judiciary.

6300. By Mr. EVANS of Montana: Petition of Miss Hannah Burke and other residents of Butte, Mont., urging that the name of Commodore John Barry be placed on the Arlington Amphitheater; to the Committee on the Library.

6301. Also, petition of Kitty Mee and other residents of Anaconda, Mont., urging that the name of Commodore John Barry be added to the names of heroes on the Arlington Amphitheater; to the Committee on the Library.

6302. By Mr. FISHER: Petition of Abram Jackson and 113 citizens of Memphis, Tenn., favoring pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

6303. By Mr. FROTHINGHAM: Petition of Atlantic Improvement Association, Atlantic, Mass., in relation to House bill 11922, "A bill to authorize the Secretary of the Navy to lease the United States naval destroyer and submarine base, Squantum, Mass.," and requesting Congress to so restrict this lease that oil manufacture, oil storage, chemical works, and all other so-called nuisance industries shall be prohibited on these premises; to the Committee on Naval Affairs.

6304. By Mr. GALLIVAN: Petition of P. B. Heintz, president and general manager National Casket Co., 60 Massachusetts Avenue, Boston, Mass., recommending favorable consideration of Senate bill 668, providing for the repeal of the war-time 50 per cent surtax on travel collected by the railroads; to the Committee on Ways and Means.

6305. By Mr. GARBER: Petition of rural letter carriers of Payne County, Okla., in regard to postal legislation; to the Committee on the Post Office and Post Roads.

6306. Also, petition of C. B. McCartney, chief clerk, district No. 3, Railway Mail Service, Oklahoma City, Okla., in support of House bill 11622; to the Committee on the Post Office and Post Roads.

6307. Also, petition of George T. Miller, president Oklahoma Rural Letter Carriers' Association, Mutual, Okla., in support of Gibson amendment; to the Committee on the Civil Service.

6308. Also, petition of Business and Professional Women's Club of Blackwell, Okla., by Grace Fondray, secretary, urging Federal responsibility in the flood-control problem; to the Committee on Flood Control.

6309. Also, petition of F. P. Beard, of Texhoma, Okla., in opposition to the passage of House bill 10958; to the Committee on Ways and Means.

6310. Also, petition of McManus-Heryer Brokerage Co., of Oklahoma City, Okla., in opposition to the passage of House bill 6679; to the Committee on the Judiciary.

6311. Also, petition of W. B. Estes, secretary of Chamber of Commerce of the State of Oklahoma, in regard to flood control of the Mississippi River, stating that such measures should be national in their character and contemplate the requirements of the entire Mississippi basin; to the Committee on Flood Control.

6312. By Mr. GARDNER of Indiana: Petition of Charles L. Stone and 80 other citizens of New Albany, Floyd County, Ind., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6313. By Mr. GIBSON: Petition of residents of Williamstown and Groton, Vt., protesting against proposed legislation for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

6314. By Mr. HADLEY: Petition of residents of Lynden, Wash., urging enactment of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6315. Also, petition of residents of Port Angeles, Wash., urging enactment of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6316. By Mr. HASTINGS: Petition of citizens of the city of Okmulgee, Okla., and vicinity, favoring an increase of pensions to soldiers and sailors of the Civil War and their widows; to the Committee on Invalid Pensions.

6317. By Mr. HERSEY: Petition of Barbara Brannen and other residents of Oakfield, Me., urging passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6318. Also, petition of Laura A. Farrell, Millinocket, Me., and many others, urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

6319. By Mr. HOOPER: Petition of Sarah Longman and 30 other residents of Athens, Mich., urging to bring to vote a Civil War pension bill; to the Committee on Invalid Pensions.

6320. By Mr. HOPE: Petition signed by ex-service men of Hutchinson, Kans., requesting the passage of the Tyson-Fitzgerald bill; to the Committee on World War Veterans' Legislation.

6321. By Mr. HOWARD of Nebraska: Petition signed by 75 persons, sent by W. P. Hansen, Archer, Nebr., praying for legislation for the relief of suffering veterans and widows of Civil War; to the Committee on Invalid Pensions.

6322. By Mr. JENKINS: Petition for redress of grievances, requesting that George F. Ormsby, of Toledo, Ohio, be permitted to testify before the Subcommittee on the District of Columbia; to the Committee on the District of Columbia.

6323. By Mr. JOHNSON of Texas: Petition of Rio Grande Oil Co., of Los Angeles, Calif., favoring House bill 8219, for flood control, and urging its support; to the Committee on Flood Control.

6324. By Mr. KING: Petition of the National Tribune's Civil War pension bill, signed by Priscilla M. Robertson, 145 North Eighth Street, Quincy, Ill., and 59 other citizens of Quincy, Ill.; to the Committee on Invalid Pensions.

6325. By Mr. KORELL: Petition of citizens of Portland, Oreg., urging passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6326. By Mr. KVALE: Petition of residents of Osakis, Minn., urging passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6327. By Mr. LINDSAY: Petition of the Hamilton Club, of Chicago, Ill., petitioning Congress to support the Navy program now pending; to the Committee on Naval Affairs.

6328. Also, petition of Hamilton Club, of Chicago, petitioning Congress to enact proper flood-control measures to be followed by appropriate legislation covering sundry subjects of national importance; to the Committee on Flood Control.

6329. Also, petition of S. D. McComb, manager, Marine Office of America, 53 Beaver Street, New York, appealing that special consideration be given to a letter addressed to the chairman and members of the Committee on the Merchant Marine and Fisheries of the House of Representatives in the matter of House bills 2 and 10765, "To create, develop, and maintain a privately owned American merchant marine," on the ground that marine insurance is an important factor in the financial and commercial life of New York City and furnishes employment to thousands of citizens, paying large Federal and municipal taxes. Also petitioning that supplemental letter dated March 31, 1928, be likewise given thoughtful consideration; to the Committee on the Merchant Marine and Fisheries.

6330. By Mr. MAJOR: Petition of citizens of Glasgow, Mo., urging the passage of legislation providing increased pensions for Civil War soldiers and their widows; to the Committee on Invalid Pensions.

6331. By Mr. MAPES: Petition of N. J. Jonker, president Men's and Women's Bible Class, Trinity Reformed Church, Holland, Mich., and 97 other members of that class, recommending the enactment of House bill 78, the Lankford Sunday closing bill; to the Committee on the District of Columbia.

6332. By Mr. MARTIN of Massachusetts: Petition of Harry P. Sturdy and 41 other residents of Norton, Mass., urging the enactment of increases in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6333. By Mr. MEAD: Petition of Hamilton Club, of Chicago, in favor of the Navy program; to the Committee on Naval Affairs.

6334. Also, petition of Hamilton Club, of Chicago, pertaining to flood control; to the Committee on Flood Control.

6335. By Mr. MILLER: Petition of sundry citizens of Scandinavian descent, of Seattle, Wash., protesting changes in the present basis for determining quota allotments under the immigration act of 1924; to the Committee on Immigration and Naturalization.

6336. By Mr. MOORE of Kentucky: Petition signed by George Arbuckle, Pleasant Walker, and 110 other voters of Central City, Muhlenberg County, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6337. Also, petition signed by W. H. Bogan, Lizzie Turner, Fillmore Taylor, Tommie Jones, and Henrietta Taylor, residents of Franklin, Simpson County, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6338. Also, petition signed by V. Rigsby, Charles Beach, T. B. Blewett, Mrs. Joe Chaney, R. L. Mitchell, and Mrs. Hershel Chaney, voters of Simpson County, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill to relieve veterans and widows; to the Committee on Invalid Pensions.

6339. By Mr. O'CONNELL: Petition of L. J. Lambert, St. Paul, Minn., favoring the passage of the McSwain bill (H. R. 11756) to correct certain injustices in the promotion list of the Army; to the Committee on Military Affairs.

6340. Also, petition of the Outdoor Life, Outdoor Recreation, Denver, Colo., favoring the passage of the Copeland bill, the 15-daily limit on ducks; to the Committee on Agriculture.

6341. Also, petition of the Hamilton Club, of Chicago, favoring the enactment of proper legislation looking toward flood control; that Congress also is hereby urged to view of the national character of said problem to assume the entire financial responsibility for the engineering work, construction, etc.; to the Committee on Flood Control.

6342. Also, petition of the Hamilton Club, of Chicago, favoring the naval program now pending before the Congress; to the Committee on Naval Affairs.

6343. By Mr. ROWBOTTOM: Petition of the American Legion posts of Lawrence and Monroe Counties, located at Bedford and Bloomington, Ind., that in the construction of veterans' hospitals and other buildings of a permanent nature under the jurisdiction of the United States Veterans' Bureau, that Indiana limestone be specified as a material to be used in the construction thereof; to the Committee on World War Veterans' Legislation.

6344. By Mr. SINNOTT: Petition of numerous citizens of Baker, Oreg., in behalf of an increase in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6345. By Mr. SWING: Petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

6346. By Mr. TEMPLE: Petition of Washington-Greene Counties Druggists' Association, in support of the Capper-Kelly fair trade bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

6347. Also, petitions of a number of residents of Washington and Greene Counties, Pa., urging the passage of legislation increasing the rate of pension to Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

6348. By Mr. WATSON: Petition signed by 72 residents of Norristown, Pa., urging the enactment of legislation carrying the rates proposed by the National Tribune, in order that relief

may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6349. By Mr. WEAVER: Petition of citizens of Asheville, N. C., asking for the passage of Sproul bill (H. R. 11410) amending the Volstead law; to the Committee on the Judiciary.

6350. Also, petition of citizens of Cherokee County, N. C., asking for increase of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6351. By Mr. WELCH of California: Petition from the United States Employees' Association, San Francisco, Calif., containing 49 signatures of citizens of San Francisco, favoring the passage of House bill 6518, to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

6352. By Mr. WINGO: Petition of citizens of Huntington, Ark., advocating increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

SENATE

TUESDAY, April 3, 1928

(Legislative day of Monday, April 2, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. FRANK B. WILLIS, late a Senator from the State of Ohio.

The message also announced that the House had passed, without amendment, the following bills of the Senate:

S. 2537. An act to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men;

S. 2827. An act granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.;

S. 2950. An act to amend the second paragraph of section 67, national defense act, as amended;

S. 3131. An act to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty; and

S. 3558. An act authorizing Point Pleasant and Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11140) to provide for the inspection of the battle field of Kings Mountain, S. C.

The message also announced that the House had passed the following bills of the Senate severally with an amendment, in which it requested the concurrence of the Senate:

S. 1822. An act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions;

S. 3118. An act to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.; and

S. 3119. An act to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss.

The message further announced that the House had passed the bill (S. 2301) to create a commission to be known as the commission for the enlarging of the Capitol Grounds, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 15. An act authorizing an appropriation to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L. 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land;

H. R. 239. An act to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes;

H. R. 441. An act to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.;

H. R. 475. An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act;

H. R. 5495. An act to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians;

H. R. 5590. An act to authorize appropriations for construction of culverts and trestles in connection with the camp railroad at Camp McClellan, Ala.;

H. R. 6669. An act fixing the salary of the Public Printer and the Deputy Public Printer;

H. R. 6862. An act authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States;

H. R. 7223. An act to add certain lands to the Gunnison National Forest, Colo.;

H. R. 7463. An act amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims";

H. R. 7475. An act to provide for the removal of the Confederate monument and tablets from Greenlawn Cemetery to Garfield Park;

H. R. 8132. An act authorizing the appropriation of \$2,500 for the erection of a tablet or marker at Medicine Lodge, Kans., to commemorate the holding of the Indian peace council, at which treaties were made with the Plains Indians in October, 1867;

H. R. 8295. An act for the appointment of an additional circuit judge for the ninth judicial circuit;

H. R. 8546. An act authorizing an appropriation of \$2,500 for the erection of a tablet or marker at Lititz, Pa., to commemorate the burial place of 110 American soldiers who were wounded in the Battle of Brandywine and died in the military hospital at Lititz;

H. R. 8559. An act to amend section 58 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes";

H. R. 8742. An act to authorize the Secretary of War to convey to the city of Baton Rouge, La., a portion of the Baton Rouge National Cemetery for use as a public street;

H. R. 8835. An act to amend section 98 of the Judicial Code, as amended, to provide for terms of court at Bryson City, N. C.;

H. R. 9047. An act to authorize appropriations for the construction of roads at the Presidio of San Francisco, Calif.;

H. R. 9363. An act to provide for the completion and repair of customs buildings in Porto Rico;

H. R. 9483. An act to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico;

H. R. 9485. An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.;

H. R. 9570. An act to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes;

H. R. 10288. An act to provide for a uniform retirement date for authorized retirements of Federal personnel;

H. R. 10643. An act authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 10885. An act to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437);

H. R. 10952. An act to fix the salaries of certain judges of Porto Rico;

H. R. 11203. An act granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville ferry in Telfair and Coffee Counties, Ga.;

H. R. 11212. An act authorizing Paul Leupp, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 11265. An act authorizing the Cabin Creek Kanawha Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Cabin Creek, W. Va.;

H. R. 11266. An act authorizing the St. Albans Nitro Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.;